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—1990—

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FIFTY-FIRST LEGISLATURE

STATE OF WASHINGTON

AT

OLYMPIA, the State Capitol

1990 Regular Session Convened January 8, 1990

Adjourned Sine Die March 8, 1990

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**JOURNAL OF THE SENATE
STATE OF WASHINGTON
1990 REGULAR SESSION
FIFTY-FIRST LEGISLATURE**

FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 8, 1990

Pursuant to law, the Senate of the 1990 Regular Session of the Fifty-first Legislature of the state of Washington was called to order at 12:00 noon by Lieutenant Governor Joel Pritchard, President of the Senate.

The Sergeant at Arms Color Guard, consisting of Pages Jeffrey Woods and Slade Van Tine, presented the Colors. Reverend Ruth Gray, pastor of the First United Methodist Church of Olympia, offered the prayer.

PROCLAMATION

A PROCLAMATION to recognize the Washington State Legislature for its important role in shaping the present and future of Washington State.

WHEREAS, The Capital community area is indeed proud to be the seat of State Government and host for the State Legislature; and

WHEREAS, we recognize and appreciate State Government's and the Legislature's positive impacts on the local community each year and their roles in creating a strong sense of civic pride in the Capital area; and

WHEREAS, it is important for all the municipalities and businesses in the Capital community area to work in harmony with State Government and the State Legislature to share future visions and address issues of mutual importance;

NOW, THEREFORE, BE IT RESOLVED, we hereby proclaim the week of January 8-13, 1990, as "Welcome Legislators Week" in recognition of the Legislature's positive contributions and hereby resolve to strengthen communication networks and working relationships with the Legislature to effectively address local and state concerns of mutual interest to all concerned.

KAY BOYD, Mayor,
City of Lacey

REX DERR, Mayor
City of Olympia

PETER FLUETSCH, Mayor
City of Tumwater

LES ELDRIDGE, Chairman
Board of Thurston
County Commissioners

LETTER OF RESIGNATION

WASHINGTON STATE SENATE
Olympia, Washington 98504

December 23, 1989

The Honorable Booth Gardner
Governor of the State of Washington
Olympia, Washington 98504

Dear Governor Gardner:

Because of my recent election to the King County Council, I am hereby announcing my resignation from the Washington State Senate, effective January 2, 1990, pursuant to the provisions of RCW 42.12.010 and RCW 42.12.020.

I want to take this opportunity to thank the citizens of the 47th Legislative District for electing me to the House in 1972 and to the Senate in 1974, 1978, 1982

and 1986. I am deeply humbled by their trust and greatly honored by the chance to provide them with representation.

I leave the Senate with mixed emotions, because I have truly enjoyed the legislative process, and because I have made so many outstanding friends. I look forward to continuing to work with these friends to defend citizens' constitutional rights and to support the principles of freedom, justice, ethics, and fiscal responsibility.

Sincerely yours,
KENT PULLEN

KING COUNTY COUNCIL
Room 403, KING COUNTY COURTHOUSE
SEATTLE, WASHINGTON 98104

January 5, 1990

Mr. Ralph Munro
Secretary of State
Legislative Building
Third Floor
Olympia, Washington 98504
Dear Mr. Munro:

This is to advise you that at the King County Council meeting of January 2, 1990, the Council appointed Mike Patrick to the vacancy in the 47th District for the State Senate created by the resignation of Kent Pullen.

Sincerely,
JOHN C. CRAWFORD II
Clerk of the Council

cc: Senate Secretary Gordon Golob

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
President of the Senate
Legislature of the State of Washington
Olympia, Washington
Mr. President:

I, Ralph Munro, Secretary of State of the state of Washington and custodian of its seal, certify that according to records on file in my office, Mike Patrick was appointed on January 2, 1990, to fill the vacancy of State Senator of the 47th District by action of the legislative authority of King County.

Given under my hand and the seal of the state of Washington, at Olympia, the State Capitol, on the eighth day of January, 1990.

(Seal)

RALPH MUNRO, Secretary of State

INTRODUCTION OF SPECIAL GUEST

The President of the Senate introduced the Honorable James M. Dolliver, Justice of the Supreme Court of the state of Washington, who was seated on the rostrum.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Hayner, Warnke, Thorsness and McMullen as a committee of honor to escort newly appointed Senator Michael E. Patrick to the rostrum.

Justice James Dolliver of the Washington State Supreme Court administered the oath of office to Senator Patrick.

The President presented the certificate of appointment to Senator Patrick.

REMARKS BY SENATOR PATRICK

Senator Patrick: "Thank you so very much. It is indeed a pleasure to be back in the majority again. The last time I served in the majority was in 1981 and 1982 and

that wasn't fun and I am hoping that this is going to be fun. I see a lot of old friends here today and looking around the room also some young friends. I've learned one thing that this body is different from the other body. I no longer have a first name. I look forward to working with all of you. Thank you."

The committee of honor escorted Senator Patrick to his seat in the Senate Chamber and the committee was discharged.

ROLL CALL

The Secretary called the roll and announced to the President that all Senators were present.

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

MOTION

On motion of Senator Newhouse, the following resolution was adopted:

SENATE RESOLUTION 1990-8721

by Senators Hayner, Sellar, Vognild and Warnke

BE IT RESOLVED, That a committee of three be appointed to notify the House that the Senate is now organized and ready to transact business.

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Resolution 1990-8721, the President appointed Senators West, Smitherman and Metcalf to notify the House of Representatives that the Senate is organized and ready to transact business.

MOTION

On motion of Senator Newhouse, the appointees were confirmed.

The committee retired to the House of Representative.

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

INTRODUCTION AND FIRST READING

SB 6163 by Senators Gaspard, Conner, Warnke, Bauer, Williams, Murray, Talmadge, Sutherland, Hansen, Rasmussen, Kreidler, Bender, McMullen, Stratton, Niemi, Madsen, Owen, Fleming, Smitherman, Moore, von Reichbauer, Lee and Vognild

AN ACT Relating to chiropractic services; adding a new section to chapter 19, Laws of 1989 1st ex. sess. (uncodified); making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6164 by Senators Newhouse, Talmadge, Warnke, Benitz, Bauer, Rasmussen, Conner, Barr, Moore, Sutherland, Hansen and Kreidler

AN ACT Relating to the transportation of food products; amending RCW 69.04.040, 69.04.210, 69.04.810, 69.04.120, and 69.04.070; adding new sections to chapter 69.04 RCW; repealing RCW 69.04.060; and prescribing penalties.

Referred to Committee on Health and Long-Term Care.

SB 6165 by Senators Newhouse, Warnke and Rasmussen

AN ACT Relating to pro tempore service by retired judges; and amending RCW 2.10.155 and 41.40.690.

Referred to Committee on Law and Justice.

SB 6166 by Senators Newhouse, Hansen, Patrick, Bauer, Sutherland, Rasmussen, Lee, Johnson, Anderson, Conner, Kreidler, Wojahn, Amondson, Fleming and Bender

AN ACT Relating to senior volunteers; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6167 by Senators von Reichbauer, Rasmussen, McCaslin, Smitherman, Matson, Moore, Johnson, Warnke, Bauer and Conner (by request of Attorney General)

AN ACT Relating to unlawful subleasing or brokering of motor vehicles; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SB 6168 by Senator Lee

AN ACT Relating to prevailing rates for apprentice workers; and amending RCW 39.12.021.

Referred to Committee on Economic Development and Labor.

SB 6169 by Senators Rinehart, Warnke, Rasmussen, Conner, Murray and Moore

AN ACT Relating to exchanges of interest in vehicles; and amending RCW 46.70.180; reenacting and amending RCW 9.94A.320; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6170 by Senators Lee, Smitherman, Williams, Murray, Warnke, Fleming and Conner

AN ACT Relating to job training; and adding a new section to chapter 49.04 RCW.

Referred to Committee on Economic Development and Labor.

SB 6171 by Senators Rinehart, Bailey, Murray, Barr, Madsen, Metcalf, Bender, Smitherman, Moore, Bauer, Owen, Gaspard, Williams, Talmadge, von Reichbauer, Rasmussen, Fleming, Patrick, Conner, Johnson and Niemi

AN ACT Relating to the voluntary elimination, reduction, or prevention of minority group isolation in public elementary and secondary schools; adding new sections to Title 28A RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Education.

SB 6172 by Senators Sellar, Sutherland, McCaslin and Barr

AN ACT Relating to environmental coordination procedures; and amending RCW 90.62.020 and 90.62.040.

Referred to Committee on Governmental Operations.

SB 6173 by Senators Warnke, Rasmussen and Niemi

AN ACT Relating to landspreading of sewage sludge; amending RCW 70.95.030 and 70.95.180; adding new sections to chapter 70.95 RCW; and creating new sections.

Referred to Committee on Environment and Natural Resources.

SB 6174 by Senators Anderson, Thorsness, Madsen and Newhouse

AN ACT Relating to driving privileges of high school students; amending RCW 46.20.091; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Education.

SB 6175 by Senators Craswell, Smitherman, Lee, Anderson and Johnson

AN ACT Relating to centralization of information on agency bid requests; amending RCW 43.19.1908; adding a new section to chapter 43.31 RCW; adding a new section to chapter 82.32 RCW; creating a new section; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 6176 by Senators Amondson and Hansen

AN ACT Relating to damages caused by deer or elk; and amending RCW 77.12.270.

Referred to Committee on Environment and Natural Resources.

- SB 6177 by Senators Amondson, Hansen, Craswell and Barr
AN ACT Relating to the death penalty for serious drug offenses; and adding a new section to chapter 10.95 RCW.
Referred to Committee on Law and Justice.
- SB 6178 by Senators Smitherman, Bauer, Rasmussen, Anderson and Conner
AN ACT Relating to remembrance tabs for honorably discharged veterans; and adding a new section to chapter 46.16 RCW.
Referred to Committee on Transportation.
- SB 6179 by Senators Newhouse, Rasmussen and Barr
AN ACT Relating to flood plains; and amending RCW 86.16.010, 86.16.020, 86.16.031, and 86.16.041.
Referred to Committee on Governmental Operations.
- SB 6180 by Senators West, Kreidler, Sellar, von Reichbauer, Johnson and Newhouse (by request of Washington Basic Health Plan)
AN ACT Relating to confidentiality of basic health plan records; and adding a new section to chapter 70.47 RCW.
Referred to Committee on Health and Long-Term Care.
- SB 6181 by Senators Bailey, Lee, Metcalf, Nelson, Vognild, Anderson, McMullen and Bender
AN ACT Relating to mental health; amending RCW 71.05.230, 71.05.240, 71.05.320, 71.05.390, 71.05.430, 71.05.520, 71.05.525, 71.05.550, 71.05.560, 71.24.025, 71.24.035, 72.23.010, and 72.23.025; reenacting and amending RCW 71.05.020; and creating new sections.
Referred to Committee on Health and Long-Term Care.
- SB 6182 by Senators McCaslin, Madsen and Conner
AN ACT Relating to fire protection district service charges; and amending RCW 52.18.050.
Referred to Committee on Governmental Operations.
- SB 6183 by Senator McCaslin
AN ACT Relating to state environmental policy; amending RCW 36.93.170; and adding a new section to chapter 43.21C RCW.
Referred to Committee on Governmental Operations.
- SB 6184 by Senators Bender, Murray, Warnke, Bauer and Moore
AN ACT Relating to school bus safety standards; and adding a new section to chapter 28A.24 RCW.
Referred to Committee on Transportation.
- SB 6185 by Senators Bender, Talmadge, Warnke, Wojahn, Bauer, Rasmussen, Conner, Niemi, Rinehart, Murray, Vognild, Sutherland, Moore, Hansen and Kreidler
AN ACT Relating to vehicles used to transport food, drugs, or cosmetics; amending RCW 69.04.021; adding new sections to chapter 69.04 RCW; and declaring an emergency.
Referred to Committee on Health and Long-Term Care.
- SB 6186 by Senators Bender, Williams, Hansen, Warnke, Patrick, Bauer, Sutherland, Rasmussen, Lee, Conner, Nelson, Murray, Moore, Fleming and Kreidler
AN ACT Relating to property tax exemptions for retired persons; amending RCW 84.36.381; and creating a new section.
Referred to Committee on Ways and Means.
- SB 6187 by Senators Bender, Bauer, Lee, Conner and Moore

AN ACT Relating to property tax exemptions for low and middle income families; and adding new sections to chapter 84.36 RCW.

Referred to Committee on Ways and Means.

SB 6188 by Senators Bender, Murray, Rinehart, Lee, Bauer, Wojahn, Sutherland, Rasmussen, Niemi, Vognild, Bailey, Moore, Fleming, Conner and Kreidler

AN ACT Relating to triple combination motor vehicles; and amending RCW 46.44.090.

Referred to Committee on Transportation.

SB 6189 by Senator McCaslin

AN ACT Relating to boundary review boards; amending RCW 35.02.037, 35.02.039, 35.02.070, 35.02.078, 35.02.086, 35.02.100, 35.02.150, 35.10.217, 35.10.450, 35.13.171, 35A.14.015, 35A.14.030, 35A.14.050, 35A.14.070, 35A.14.160, 35A.14.220, 35A.14.230, 36.94.170, 39.33.060, 56.02.060, 56.02.070, 56.36.030, 57.02.040, and 57.40.120; and repealing RCW 36.93.010, 36.93.020, 36.93.030, 36.93.040, 36.93.070, 36.93.080, 36.93.090, 36.93.093, 36.93.100, 36.93.105, 36.93.110, 36.93.115, 36.93.120, 36.93.130, 36.93.140, 36.93.150, 36.93.160, 36.93.170, 36.93.180, 36.93.190, 36.93.200, 36.93.210, 36.93.220, 36.93.900, 36.93.910, and 36.93.920.

Referred to Committee on Governmental Operations.

SB 6190 by Senators West, Kreidler, Wojahn, Bailey, Nelson, McDonald, Warnke, Niemi, Conner and Stratton

AN ACT Relating to prevention of head injuries; amending RCW 46.37.535; reenacting and amending RCW 46.37.530; adding new sections to chapter 43.70 RCW; and making an appropriation.

Referred to Committee on Health and Long-Term Care.

SB 6191 by Senators West, Kreidler, Johnson, Anderson, Gaspard, Niemi, McMullen, Murray, Wojahn, Conner, Patrick, Stratton and Smith

AN ACT Relating to the Washington state trauma care system; amending RCW 70.168.010, 70.168.020, 18.73.040, 18.73.050, 70.170.100, 18.73.060, 18.73.073, 18.73.085, 70.168.040, 18.71.205, 18.71.212, 18.71.215, 18.76.050, 18.73.010, 18.73.030, 18.73.081, and 18.73.130; adding new sections to chapter 70.168 RCW; recodifying RCW 18.73.060, 18.73.073, and 18.73.085; repealing RCW 18.73.070; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 6192 by Senators West, Stratton, McCaslin and Kreidler

AN ACT Relating to substitution of generic drugs on out-of-state prescriptions; amending RCW 69.41.120; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 6193 by Senators Saling, Fleming, Bailey, Rinehart, Patrick, Conner, Johnson, Stratton and Sutherland

AN ACT Relating to educational opportunities; amending RCW 28A.03.432; and making an appropriation.

Referred to Committee on Education.

SB 6194 by Senator Kreidler

AN ACT Relating to establishment of a vegetation management task force to reduce use of pesticides along transportation and utility rights of way and easements; amending RCW 43.21C.020; creating new sections; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 6195 by Senators Kreidler and Moore

AN ACT Relating to animals; amending RCW 16.52.180 and 9.08.070; adding a new section to chapter 16.52 RCW; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 6196 by Senator Kreidler

AN ACT Relating to licenses for hunting guides; and amending RCW 77.32.010 and 77.32.211.

Referred to Committee on Environment and Natural Resources.

SB 6197 by Senators Kreidler and Moore

AN ACT Relating to hounds; adding a new section to chapter 77.16 RCW; adding a new section to chapter 77.21 RCW; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 6198 by Senators Bender, Madsen, Rasmussen, Fleming, Hansen, Conner and Kreidler

AN ACT Relating to criminal justice training commission public safety and education account appropriation; amending section 224, chapter 19, Laws of 1989 1st ex. sess. (uncodified); and creating a new section.

Referred to Committee on Ways and Means.

SB 6199 by Senators Lee and Anderson

AN ACT Relating to labor surplus areas; and amending RCW 43.31.085, 43.31.524, 43.31.526, 43.160.076, 43.163.080, 43.165.010, 43.165.020, 43.165.030, 43.165.040, 43.165.050, 43.165.060, 43.165.080, 43.165.090, 43.165.100, 43.168.010, 43.168.020, 43.168.030, 43.168.050, 43.168.120, 43.220.220, 50.65.138, 67.28.210, and 82.60.010.

Referred to Committee on Economic Development and Labor.

SB 6200 by Senators Smitherman, Lee and Conner

AN ACT Relating to the extension of the final report date and expiration date of the task force on ports and local associate development organizations; and amending section 9, chapter 425, Laws of 1989 (uncodified).

Referred to Committee on Economic Development and Labor.

SB 6201 by Senators Lee and Rasmussen (by request of Attorney General)

AN ACT Relating to health studios; and amending RCW 19.142.010, 19.142.040, and 19.142.050.

Referred to Committee on Economic Development and Labor.

SB 6202 by Senators Lee, Talmadge, Bluechel and Conner

AN ACT Relating to international trade; adding new sections to chapter 43.31 RCW; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 6203 by Senators Smitherman, Rasmussen, Stratton, Fleming, Hansen and Conner

AN ACT Relating to the national guard; and adding a new section to chapter 38.12 RCW.

Referred to Committee on Law and Justice.

SB 6204 by Senators Smitherman, Warnke, Rasmussen, Madsen, Bender and Sutherland

AN ACT Relating to seizure and forfeiture; and amending 69.50.505.

Referred to Committee on Law and Justice.

SB 6205 by Senators Nelson, McCaslin, Madsen, Smith, Thorsness, Owen, Bauer, Rasmussen, Saling, Lee, Anderson, Johnson, Bailey and Newhouse (by request of Attorney General)

AN ACT Relating to sentencing of serious or repeat sex offenders; amending RCW 9.94A.120, 9.94A.123, 9.94A.150, 9.94A.210, and 9.94A.390; adding a new chapter to Title 9 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6206 by Senators Nelson, McCaslin, Madsen, Smith, Thorsness, Owen, Warnke, Bauer, Rasmussen, Saling, Anderson, Vognild, Bailey and Newhouse (by request of Attorney General)

AN ACT Relating to registration of sexual offenders; adding a new section to chapter 9A.44 RCW; adding a new section to chapter 43.43 RCW; adding a new section to chapter 72.09 RCW; adding a new section to chapter 70.48 RCW; adding a new section to chapter 46.20 RCW; creating new sections; prescribing penalties; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6207 by Senators McCaslin, Owen, Smith, Thorsness, Warnke, Rasmussen, Anderson, Bailey and Newhouse (by request of Attorney General)

AN ACT Relating to crime victim services; amending RCW 43.08.250, 7.68.015, 7.68.020, 7.68.030, 7.68.035, 7.68.050, 7.68.060, 7.68.070, 7.68.075, 7.68.080, 7.68.085, 7.68.090, 7.68.110, 7.68.120, 7.68.125, 7.68.130, 7.68.140, 7.68.145, 7.68.200, 7.68.210, 7.68.220, 7.68.230, 7.68.240, 7.68.250, 7.68.270, 7.68.280, 7.68.290, 70.123.020, 70.123.030, 70.123.040, 70.123.050, 70.123.080, 70.123.090, 70.123.100, 70.123.110, 70.125.030, 70.125.040, 70.125.050, and 70.125.055; adding new sections to chapter 7.68 RCW; creating new sections; decodifying RCW 7.68.160 and 7.68.165; repealing RCW 7.68.100, 7.68.150, and 70.123.060; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6208 by Senators Nelson, McCaslin, Madsen, Smith, Thorsness, Owen, Bauer, Rasmussen, Saling, Anderson, Bailey, Wojahn, Bender, Hansen, Conner and Kreidler (by request of Attorney General)

AN ACT Relating to commitment of mentally disordered sexually dangerous persons; amending RCW 71.05.320; reenacting and amending RCW 71.05.020; adding a new chapter to Title 71 RCW; and adding a new section to chapter 71.05 RCW.

Referred to Committee on Law and Justice.

SB 6209 by Senators Lee, Bailey and Murray

AN ACT Relating to mobile home relocation fund assessments; and amending RCW 59.21.060.

Referred to Committee on Economic Development and Labor.

SB 6210 by Senators Saling, Kreidler and Johnson

AN ACT Relating to radiologic technologists; and amending RCW 43.131.349 and 43.131.350.

Referred to Committee on Health and Long-Term Care.

SB 6211 by Senators Metcalf, Talmadge and Rinehart

AN ACT Relating to the Puget Sound water quality authority; amending RCW 90.70.001, 90.70.011, 90.70.055, 90.70.060, 90.70.070, and 90.70.080; adding new sections to chapter 90.70 RCW; and repealing RCW 90.70.900.

Referred to Committee on Environment and Natural Resources.

SB 6212 by Senators Smith and West

AN ACT Relating to student nurses; and amending RCW 18.88.280.

Referred to Committee on Health and Long-Term Care.

SB 6213 by Senators West and Rasmussen

AN ACT Relating to reimbursement to department of social and health services employees for costs related to assaults; and amending RCW 72.01.045.

Referred to Committee on Health and Long-Term Care.

SB 6214 by Senators DeJarnatt, Conner and Vognild

AN ACT Relating to the excise tax on telephone access lines; and amending RCW 82.14B.030.

Referred to Committee on Governmental Operations.

SB 6215 by Senators Patrick, Warnke, Rasmussen and Nelson

AN ACT Relating to community involvement in stopping crime through creation of a Crime Stoppers assistance office; adding new sections to chapter 43.10 RCW; creating new sections; and making an appropriation.

Referred to Committee on Law and Justice.

SB 6216 by Senators Saling, Gaspard, Bauer, Patterson, Patrick, Conner and Rinehart (by request of State Board for Community College Education)

AN ACT Relating to the community college exceptional faculty awards program; and adding new sections to chapter 28B.50 RCW.

Referred to Committee on Higher Education.

SB 6217 by Senators Rinehart, Bailey, Bender, Lee, Madsen, Murray, Talmadge, Fleming, Conner, Niemi, Vognild and Moore (by request of Superintendent of Public Instruction)

AN ACT Relating to before-and-after school care; amending RCW 74.15.020; adding new sections to chapter 28A.34 RCW; and making an appropriation.

Referred to Committee on Education.

SB 6218 by Senators Murray, Bailey, Rinehart, Bender, Talmadge, Lee, Bauer, Rasmussen, Fleming and Moore (by request of Superintendent of Public Instruction)

AN ACT Relating to homeless education grants; creating new sections; and making an appropriation.

Referred to Committee on Education.

SB 6219 by Senators Thorsness, Gaspard, Bailey, Rinehart, Bender, Madsen, Metcalf, Murray, Talmadge, Lee, Craswell, Bluechel, Warnke, Patrick, Bauer and Stratton (by request of Superintendent of Public Instruction)

AN ACT Relating to state-wide video communications; amending RCW 43.105.005 and 43.105.017; adding new sections to chapter 43.105 RCW; adding new sections to chapter 28B.80 RCW; adding new sections to Title 28A RCW; creating a new section; and declaring an emergency.

Referred to Committee on Education.

SB 6220 by Senators Gaspard, Bailey, Rinehart, Bender, Metcalf, Madsen, Murray, Talmadge, Lee, Craswell, Warnke and Conner (by request of Superintendent of Public Instruction)

AN ACT Relating to buses; amending RCW 46.61.370 and 46.61.375; adding a new section to chapter 46.37 RCW; and adding a new section to Title 28A RCW.

Referred to Committee on Transportation.

SB 6221 by Senators Gaspard, Bailey, Rinehart, Bender, Metcalf, Lee, Murray and Conner (by request of Superintendent of Public Instruction)

AN ACT Relating to the Washington state high school and beyond program; amending RCW 28A.03.360; and adding new sections to Title 28A RCW.

Referred to Committee on Education.

SB 6222 by Senators Bailey, Rinehart, Gaspard, Bender, Metcalf, Lee, Murray, Talmadge, Craswell, Patrick, Conner and Sutherland (by request of Superintendent of Public Instruction)

AN ACT Relating to cooperative vocational education programs and services between and among school districts; adding new sections to Title 28A RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Education.

SB 6223 by Senators Rinehart, Bailey, Bender, Gaspard, Metcalf, Lee, Murray, Talmadge and Craswell (by request of Superintendent of Public Instruction)

AN ACT Relating to scoliosis screening; amending RCW 28A.31.130, 28A.31.132, and 28A.31.134; repealing RCW 28A.31.139; and declaring an emergency.

Referred to Committee on Education.

SB 6224 by Senators Bailey, Bender, Lee, Gaspard, Murray, Talmadge and Craswell (by request of Superintendent of Public Instruction)

AN ACT Relating to school district financial responsibility; and adding a new section to Title 28A RCW.

Referred to Committee on Education.

SB 6225 by Senators Bailey, Rinehart, Nelson, Bender, Murray, Talmadge and Niemi (by request of Superintendent of Public Instruction)

AN ACT Relating to corporal punishment; and adding a new section to Title 28A RCW.

Referred to Committee on Education.

SB 6226 by Senators Bailey, Rinehart, Metcalf, Bender, Madsen, Murray, Talmadge, Lee, Saling, Warnke, Patrick, Fleming, Johnson, Sutherland, Wojahn, Hansen, Conner and Kreidler (by request of Superintendent of Public Instruction)

AN ACT Relating to education; adding new sections to Title 28A RCW; creating new sections; and making an appropriation.

Referred to Committee on Education.

SJR 8227 by Senators Bender, Warnke, Bauer, Rasmussen, Lee and Conner

Authorizing the legislature to provide property tax exemption for lower and middle income persons.

Referred to Committee on Ways and Means.

SCR 8428 by Senators Hayner, Sellar, Vognild and Warnke

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

HOLD.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8428 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8428 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Concurrent Resolution No. 8428, the President appointed Senators Saling, Niemi and von Reichbauer to join with a like committee from the House of Representatives to notify the Governor that the Legislature is organized and ready to transact business.

MOTION

On motion of Senator Newhouse, the appointees were confirmed.

COMMITTEE FROM THE HOUSE

A committee from the House of Representatives consisting of Representatives Rasmussen, Betrozoff, Tate and Anderson appeared before the bar of the Senate and notified the Senate that the House is organized and ready to transact business. The report was received and the committee was discharged.

REPORT OF COMMITTEE

The Senate Committee composed of Senators West, Smitherman and Metcalf appeared before the bar of the Senate and reported that the House of Representatives had been notified that the Senate is organized and ready to transact business. The report was received and the committee was discharged.

REPORT OF COMMITTEE

The special committee consisting of Senators Saling, Niemi and von Reichbauer appeared before the bar of the Senate to report that the Governor had been notified, under the provisions of Senate Concurrent Resolution No. 8428 that the Legislature is organized and ready to transact business.

The report was received and the committee was discharged.

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

MOTION

Senator Newhouse moved that the following resolution be adopted:

SENATE RESOLUTION 1990-8722

by Senators Hayner and Sellar

BE IT RESOLVED, That Senate Resolution No. 1989-8617, the Senate Rules of the 51st Legislature, be amended to read as follows:

On page 1, line 8, strike "Tem" and insert "Tempore"

On page 5, line 126, Strike "TEM" and insert "TEMPORE"

On page 5, lines 129, 132, 134, 135 and 129, strike "tem" and insert "tempore"

On page 5, line 145, before "secretary" strike "n assistant" and insert "~~((n-assist-
ant)) deputy~~"

On page 23, line 578, strike "Care and Corrections" and insert "~~((Care & Cor-
rections)) and Long Term Care~~"

On page 23, line 582, after "Transportation" strike "14" and insert "~~((+4)) 15~~"

Debate ensued.

The President declared the question before the Senate to be the adoption of Senate Resolution 1990-8722.

The motion by Senator Newhouse carried and Senate Resolution 1990-8722 was adopted.

STANDING COMMITTEE ASSIGNMENTS AND CHANGES

The President announced the following appointments and changes to the Standing Committees:

1. Senator Patrick, appointed to the Committees on Transportation, Law and Justice, Energy and Utilities and Governmental Operations.

2. Senator Johnson, appointed to the Rules Committee, replacing Senator Nelson.

3. Senator Nelson, appointed as Chair of the Law and Justice Committee.

MOTION

On motion of Senator Newhouse, the appointees were confirmed.

MOTION

On motion of Senator Newhouse, the following Standing Committee assignments were confirmed:

MEMBERSHIP OF SENATE STANDING COMMITTEES 1990

AGRICULTURE (7) Barr, Chair; Anderson, Vice Chair; Bailey, Gaspard, *Hansen, Madsen, Newhouse.

CHILDREN AND FAMILY SERVICES (5) Smith, Chair; Craswell, Vice Chair; Bailey, *Stratton, Vognild.

ECONOMIC DEVELOPMENT AND LABOR (11) Lee, Chair; Anderson, Vice Chair; Matson, McDonald, McMullen, Murray, Saling, *Smitherman, Warnke, West, Williams.

EDUCATION (11) Bailey, Chair; Lee, Vice Chair; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, *Rinehart.

ENERGY AND UTILITIES (9) Benitz, Chair; Bluechel, Vice Chair; Metcalf, Nelson, Owen, Patrick, Stratton, Sutherland, *Williams.

ENVIRONMENT AND NATURAL RESOURCES (9) Metcalf, Chair; Amondson, Vice Chair; Barr, Benitz, DeJarnatt, Kreidler, *Owen, Patterson, Sutherland.

FINANCIAL INSTITUTIONS AND INSURANCE (11) von Reichbauer, Chair; Johnson, Vice Chair; Fleming, Matson, McCaslin, McMullen, *Moore, Rasmussen, Sellar, Smitherman, West.

GOVERNMENTAL OPERATIONS (5) McCaslin, Chair; Thorsness, Vice Chair; *DeJarnatt, Patrick, Sutherland.

HEALTH AND LONG-TERM CARE (7) West, Chair; Smith, Vice Chair; Amondson, Johnson, *Kreidler, Niemi, Wojahn.

HIGHER EDUCATION (7) Saling, Chair; Patterson, Vice Chair; *Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

LAW AND JUSTICE (11) Nelson, Chair; McCaslin, Vice Chair; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, *Talmadge, Thorsness.

RULES (16) Pritchard, Chair; Bluechel, Vice Chair; Anderson, Bauer, Cantu, Conner, Craswell, Hayner, Johnson, Matson, Newhouse, Rasmussen, Rinehart, Sellar, *Vognild, Warnke, Wojahn.

TRANSPORTATION (15) Patterson, Chair; Thorsness, Vice Chair; von Reichbauer, Vice Chair; Barr, *Bender, Benitz, Conner, DeJarnatt, Hansen, Madsen, McMullen, Murray, Nelson, Patrick, Sellar.

WAYS AND MEANS (23) McDonald, Chair; Craswell, Vice Chair; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, *Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

* - Ranking Democratic Member

There being no objection, the President returned the Senate to the third order of business.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

May 19, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Frank E. Fennerty, reappointed June 18, 1989, for a term ending June 17, 1995, as a member of the Board of Industrial Insurance Appeals.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Economic Development and Labor.

June 6, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Kathleen Gutierrez, appointed June 6, 1989, for a term ending September 30, 1991, as a member of the Board of Trustees for Everett Community College District No. 5.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

June 6, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Robert J. Bavasi, appointed June 6, 1989, for a term ending September 30, 1993, as a member of the Board of Trustees for Everett Community College District No. 5.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

June 6, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Queenie Allado, reappointed June 6, 1989, for a term ending December 31, 1994, as a member of the Parks and Recreation Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

June 6, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Dick Dixon, reappointed June 6, 1989, for a term ending December 31, 1994, as a member of the Parks and Recreation Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

June 6, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

James Walton, reappointed June 6, 1989, for a term ending January 19, 1995, as a member of the Wildlife Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

June 6, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Norman F. Richardson, reappointed June 6, 1989, for a term ending January 19, 1995, as a member of the Wildlife Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

June 9, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Jesse Farias, appointed June 9, 1989, for a term beginning July 10, 1989, and ending at the Governor's pleasure, as Director of the Department of Veteran Affairs.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

June 15, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Dan E. Boyd, appointed June 15, 1989, for a term ending June 15, 1993, as a member of the Marine Employees' Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Transportation.

June 16, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Shirley A. Smith, appointed June 16, 1989, for a term beginning July 1, 1989, and ending at the Governor's pleasure, as Director of the Department of Services for the Blind.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

June 18, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

John Little, appointed June 18, 1989, for a term ending June 17, 1994, as a member of the Human Rights Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

June 22, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

James A. Medina, appointed June 22, 1989, for a term beginning July 3, 1989, and ending at the Governor's pleasure, as Director of the Office of Minority and Women's Business Enterprise.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

June 22, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Patrick Graham, reappointed July 1, 1989, for a term ending June 30, 1995, as a member of the Gambling Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Economic Development and Labor.

June 22, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Grace Chien, reappointed June 22, 1989, for a term beginning July 1, 1989, and ending June 30, 1995, as a member of the Higher Education Personnel Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

June 28, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Hugh Spitzer, reappointed June 28, 1989, for a term beginning July 6, 1989, and ending July 5, 1993, as a member of the Puget Sound Water Quality Authority.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

June 28, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Lester Eldridge, reappointed June 28, 1989, for a term beginning July 6, 1989, and ending July 5, 1993, as a member of the Puget Sound Water Quality Authority.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

June 30, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

H. A. Goltz, appointed June 30, 1989, for a term ending April 2, 1993, as a member of the State Board for Community College Education.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

June 30, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Joan Yoshitomi, appointed June 30, 1989, for a term ending April 2, 1993, as a member of the State Board for Community College Education.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

June 30, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

The Reverend Leo Brown, reappointed June 30, 1989, for a term ending June 30, 1995, as a member of the Housing Finance Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

June 30, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Harlan Douglass, reappointed June 30, 1989, for a term ending June 30, 1993, as a member of the Housing Finance Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

June 30, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Matthew J. Coyle, appointed June 30, 1988, for a term beginning September 1, 1989, and ending March 1, 1995, as a member of the Board of Tax Appeals.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Ways and Means.

July 19, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

George Schweitzer, appointed July 19, 1989, for a term ending September 30, 1993, as a member of the Board of Trustees for Clark Community College District No. 14.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

July 20, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Bernice Stern, reappointed July 20, 1989, for a term ending June 30, 1995, as a member of the Transportation Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

July 20, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Leo B. Sweeney, reappointed July 20, 1989, for a term ending June 30, 1995, as a member of the Transportation Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

August 2, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Gregory P. Barlow, appointed August 2, 1989, for a term beginning September 1, 1989, and ending at the Governor's pleasure, as Adjutant General of the Military Department.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

August 11, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Eliot W. Scull, reappointed August 11, 1989, for a term ending December 31, 1991, as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

August 11, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

James R. Fox, appointed August 11, 1989, for a term ending December 31, 1991, as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

August 12, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Lyle Jacobsen, reappointed August 12, 1989, for a term ending June 30, 1993, as a member of the Higher Education Coordinating Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

August 12, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Mary C. James, reappointed August 12, 1989, for a term ending June 30, 1993, as a member of the Higher Education Coordinating Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

August 12, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Andrew S. Hess, reappointed August 12, 1989, for a term ending June 30, 1993, as a member of the Higher Education Coordinating Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

August 22, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

James M. Sims, appointed August 22, 1989, for a term beginning September 5, 1989, and ending at the Governor's pleasure, as Administrator for the Pollution Liability Reinsurance Program.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Financial Institutions and Insurance.

August 22, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Judge Donald H. Thompson, reappointed August 22, 1989, for a term ending August 2, 1992, as a member of the Sentencing Guidelines Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

August 22, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Ruta E. Fanning, appointed August 22, 1989, for a term ending August 2, 1992, as a member of the Sentencing Guidelines Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

August 22, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Marcus M. Kelly, appointed August 22, 1989, for a term ending August 2, 1992, as a member of the Sentencing Guidelines Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

August 22, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Arthur D. Curtis, reappointed August 22, 1989, for a term ending August 2, 1992, as a member of the Sentencing Guidelines Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

August 29, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

K. Collins Sprague, appointed August 29, 1989, for a term ending June 16, 1993, as an alternate member of the Judicial Conduct Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

August 31, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Kristine M. Gebbie, appointed August 31, 1989, for a term beginning October 9, 1989, and ending at the Governor's pleasure, as Secretary of the Department of Health.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

September 11, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Jeanne A. Pelkey, appointed September 11, 1989, for a term ending July 1, 1990, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

September 11, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Joseph Fram, appointed September 11, 1989, for a term ending July 1, 1992, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

September 11, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Robert J. Anderson, reappointed September 11, 1989, for a term ending July 1, 1994, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

September 25, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Michael C. Ormsby, reappointed September 30, 1989, for a term ending September 30, 1995, as a member of the Board of Trustees for Eastern Washington University.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 25, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Graham Tollefson, reappointed September 30, 1989, for a term ending September 30, 1995, as a member of the Board of Trustees for Central Washington University.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 25, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Craig Cole, reappointed September 30, 1989, for a term ending September 30, 1995, as a member of the Board of Trustees for Western Washington University.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 28, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Cherry McGee Banks, reappointed October 1, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Shoreline Community College District No. 7.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 28, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Marilu Brock, reappointed October 1, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Highline Community College District No. 9:

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 28, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Grace Lynch, reappointed October 1, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Wenatchee Community College District No. 15.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 28, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Arland Lyons, reappointed October 1, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Centralia Community College District No. 12.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 28, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Virginia Sprenkle, reappointed October 1, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Everett Community College District No. 5.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 28, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Priscilla Dee McMillan, reappointed October 1, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Spokane Community College District No. 17.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 28, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Don Schwerin, reappointed October 1, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Walla Walla Community College District No. 20.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 28, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Dennis Seinfeld, reappointed October 1, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Tacoma Community College District No. 22.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 28, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Marietta Kilmer, reappointed October 1, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Peninsula Community College District No. 1.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 28, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Asa Reed, reappointed October 1, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 28, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Hal Wolfe, reappointed October 1, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 28, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Virginia Cross, reappointed October 1, 1989, for a term ending September 30, 1994, as a member of the Board of Directors for Green River Community College District No. 10.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 28, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Georgia-Mae Gallivan, reappointed October 1, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Clark Community College District No. 14.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 29, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Andrew V. Smith, appointed September 29, 1989, for a term ending September 30, 1994, as a member of the Board of Regents for the University of Washington.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 29, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Mari J. Clack, appointed October 1, 1989, for a term ending September 30, 1995, as a member of the Board of Regents for the University of Washington.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 29, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

David Cohn, reappointed October 1, 1989, for a term ending September 30, 1995, as a member of the Board of Regents for the University of Washington.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 29, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Beatrice J. Kriloff, appointed September 29, 1989, for a term ending July 1, 1990, as a member of the Child Support Schedule Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

October 2, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Santos U. Ortega, appointed October 2, 1989, for a term ending June 16, 1993, as a member of the Commission on Judicial Conduct.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

October 10, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Richard Casad, reappointed October 10, 1989, for a term ending January 1, 1995, as a member of the Utilities and Transportation Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

October 13, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Lila Girvin, appointed October 13, 1989, for a term ending September 30, 1991, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 13, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Carol Vipperman, appointed October 13, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 13, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Constance W. Rice, appointed October 13, 1989, for a term ending September 30, 1995, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 20, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Minh-Anh Hodge, reappointed October 20, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 20, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Dr. Erik Pearson, appointed October 20, 1989, for a term ending September 30, 1991, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 20, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Carver Gayton, appointed October 20, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Seattle Community College District No. 6.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

November 13, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Leonard A. McComb, appointed November 13, 1989, for a term ending at the Governor's pleasure, as Director of the Office of Financial Management.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Ways and Means.

November 15, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Benny Dockter, reappointed November 15, 1989, for a term ending July 1, 1994, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

November 15, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Anita M. Peterson, reappointed November 15, 1989, for a term ending September 25, 1993, as a member of the Clemency and Pardons Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

November 17, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Mark C. Endresen, reappointed November 17, 1989, for a term ending September 8, 1993, as a member of the Public Employment Relations Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Economic Development and Labor.

November 17, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Janet L. Gaunt, appointed November 17, 1989, for a term ending September 8, 1990, as a Chair of the Public Employment Relations Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Economic Development and Labor.

November 17, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Joseph F. Quinn, reappointed November 17, 1989, for a term ending September 8, 1994, as a member of the Public Employment Relations Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Economic Development and Labor.

December 4, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Sally Jarvis, appointed December 4, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Bellevue Community College District No. 8.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 5, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

James Andrych, appointed December 5, 1989, for a term ending December 5, 1991, as a member of the Western State Hospital Advisory Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

December 5, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Jack A. Asby, appointed December 5, 1989, for a term ending December 5, 1993, as a member of the Western State Hospital Advisory Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

December 5, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Dr. Dean K. Brooks, appointed December 5, 1989, for a term ending December 5, 1993, as Chair of the Western State Hospital Advisory Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

December 5, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Arlene B. Engel, appointed December 5, 1989, for a term ending December 5, 1992, as a member of the Western State Hospital Advisory Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

December 5, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

James L. Taylor, appointed December 5, 1989, for a term ending December 5, 1991, as a member of the Western State Hospital Advisory Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

December 5, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

David B. Weston, appointed December 5, 1989, for a term ending December 5, 1991, as a member of the Western State Hospital Advisory Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

December 5, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Ruth J. Hagerott, appointed December 5, 1989, for a term ending December 5, 1993, as a member of the Western State Hospital Advisory Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

December 5, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Ira S. Klein, appointed December 5, 1989, for a term ending December 5, 1992, as a member of the Western State Hospital Advisory Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

December 5, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Elizabeth Muktarian, appointed December 5, 1989, for a term ending December 5, 1991, as a member of the Western State Hospital Advisory Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

December 5, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Jane Reno, appointed December 5, 1989, for a term ending December 5, 1992, as a member of the Western State Hospital Advisory Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

December 5, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Helen Schwedenberg, appointed December 5, 1989, for a term ending December 5, 1993, as a member of the Western State Hospital Advisory Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

December 8, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Alma Misako Kimura, reappointed December 8, 1989, for a term beginning January 1, 1990 and ending December 31, 1994, as a member of the Public Disclosure Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

December 11, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

The Reverend Lawrence R. Robertson, appointed December 11, 1989, for a term ending September 30, 1991, as a member of the Board of Trustees for Olympic Community College District No. 3.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 11, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Philip E. Sharpe, Jr., appointed December 11, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Whatcom Community College District No. 21.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 11, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Barbara Stephenson, appointed December 11, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Olympic Community College District No. 3.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 11, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Dorothy L. Aiken, appointed December 11, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 12, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Lynne Glore, appointed December 12, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 14, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

James F. Ryan, reappointed December 14, 1989, for a term beginning January 1, 1990 and ending December 31, 1992, as a member of the Investment Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Financial Institutions and Insurance.

There being no objection, the President reverted the Senate to the second order of business.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504

October 31, 1989

The Honorable Gordon A. Golob
Secretary
Washington State Senate
Legislative Building
Olympia, Washington 98504
Dear Secretary Golob:

On behalf of the Juvenile Disposition Standards Commission, it is my pleasure to forward to you a report detailing the Commission's recommendations regarding the crime of residential burglary. Engrossed Senate Bill No. 5233 established residential burglary as a class B felony and directed the Commission to consider it a more serious offense than second degree burglary, which is also a class B felony.

In completing its task, the Commission considered four options to differentiate residential burglary from second degree burglary. Three of the options, which are outlined in the enclosed report, involved changes to various schedules within the current sentencing grid. These options were rejected when, (a) it became apparent that disproportionality would be created between residential burglary and other offenses; and (b) little would be accomplished toward making changes in the behavior of this group of offenders, which would result in reduced recidivism.

Commission members then began to consider sanctions currently available to the juvenile court system which could be strengthened and/or augmented to achieve the desired outcome. After an extensive review of the literature and of programs currently being offered in other states, the Commission developed a plan which calls for increased supervision of first time residential burglars; creates a new, intermediate sanction between community supervision and incarceration for

the second time residential burglars who are most likely to become repeat offenders; and an equally intensive program for those offenders who reach parole supervision because of a more extensive criminal history. The selected option, SC89-01, appears to be the most effective method of dealing with juvenile residential burglars, who generally respond best to community programming. It holds these offenders highly accountable while, at the same time, it provides treatment programs to both the offender and their families which are known to change behavior.

While considering changes to the sentencing grid, Commission members recognized that the current format is rather compacted, and does not allow much flexibility in managing annual modifications necessitated by legislative action. In light of the sentencing issues presently being considered by other task forces and planning bodies, particularly regarding sex offenses, the Commission has made a commitment to complete a comprehensive review of the sentencing grid during 1990, with a completion date of November 1, 1990.

The enclosed recommendation is respectfully submitted for your consideration. An estimated fiscal impact has been included for all four options which were considered. These figures, however, have not been validated by either the DSHS Budget Office or the Office of Fiscal Management. If you desire to hold hearings on this issue or would like clarification on, or modification to the recommendation, or any other option, please feel free to contact me at (753-7402).

Sincerely,
 JEROME M. WASSON
 Juvenile Disposition Standards Commission

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
 DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Olympia, Washington 98504

December 1, 1989

Mr. Gordon A. Golob
 Secretary of the Senate
 306 Legislative Building
 Olympia, Washington 98504

Dear Mr. Secretary:

Enclosed is our annual Report to the Legislature on Child Care, as required by Chapter 381, Laws of 1989. If you have any questions regarding this report, please contact me.

Sincerely,
 RICHARD J. THOMPSON
 Secretary

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
 DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Olympia, Washington 98504

December 1, 1989

Mr. Gordon A. Golob
 Secretary of the Senate
 Legislative Building
 Olympia, Washington 98504

Dear Mr. Golob:

Enclosed is our Report to the Legislature on Presumptive Medicaid Eligibility for Pregnant Women as required by Chapter 10, Laws of 1989, 1st ex. session. If you have any questions regarding this report, please contact me.

Sincerely,
RICHARD J. THOMPSON
Secretary

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504

December 1, 1989

Gordon A. Golob
Secretary of the Senate
Washington State Legislature
306 Legislative Building
Olympia, Washington 98504
Dear Secretary Golob:

Enclosed is a Report to the Legislature on "Offenses Committed by Juveniles While on Escape, Authorized Leave, or Minimum Security Status." This is a report required by RCW 13.40.030(1b) and is prepared on an annual basis.

If you have any questions, feel free to contact Jerome Wasson, Director of the Division of Juvenile Rehabilitation, at 753-7402.

Sincerely,
RICHARD J. THOMPSON
Secretary

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504

November 30, 1989

Mr. Gordon A. Golob
Secretary of the Senate
Legislative Building
Olympia, Washington 98504
Dear Mr. Golob:

Enclosed is our Report to the Legislature on the Proposed Plan for the Provision of Inpatient Skilled Nursing Care for Medically Fragile Children, as required by Chapter 183, Laws of 1989. If you have any questions about the report, please contact me.

Sincerely,
RICHARD J. THOMPSON
Secretary

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504

December 6, 1989

Mr. Gordon A. Golob
Secretary of the Senate
Legislative Building
Olympia, Washington 98504
Dear Mr. Golob:

Enclosed is our Report to the Legislature on Foster Parent Liability and Insurance, as required by Chapter 403, Laws of 1989. If you have any questions regarding this report, please contact me.

Sincerely,
RICHARD J. THOMPSON
Secretary

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
HEALTH CARE AUTHORITY
1400 Evergreen Park Drive S. W.
Olympia, Washington 98504

December 1, 1989

Mr. Gordon A. Golob
Secretary of the Senate
Legislative Building
Olympia, Washington 98504
Dear Mr. Golob:

The Health Care Authority is pleased to submit the "Study of Insurance Benefits Provided to K-12 School Employees." The study is submitted in response to the request of the Legislature as stated in ESHB 2038.

The study was conducted under the direction of Susan O'Loughlin, the Assistant Administrator for Planning and Program Development. The Health Care Authority contracted with Coopers and Lybrand to provide consulting expertise.

The documents which accompany this letter include: a one-page summary of recommendations; the transmittal report containing the recommendations of the Health Care Authority; and the report from Coopers and Lybrand, which describes their analytic approach and findings.

The study represents the first phase in the Health Care Authority's efforts to study and recommend prudent purchasing approaches for health care services. The Health Care Purchasing Study, which was also requested by the Legislature, is well underway. The results of that study will be submitted to the Legislature in December, 1990.

The various parties which participated in this study--school districts, unions, other state agencies, insurance plans and brokers--were extremely cooperative. They made impressive efforts to provide information and furnish us with the necessary data under a tight time schedule.

Susan O'Loughlin and I would be happy to discuss our recommendations in detail at your convenience. I will contact you during the next several weeks to arrange an appointment.

Thank you for the opportunity to complete this important study.

Sincerely,
MARGARET T. STANLEY
Administrator

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504

December 22, 1989

Mr. Gordon A. Golob
Secretary of the Senate
Legislative Building
Olympia, Washington 98504
Dear Secretary Golob:

Enclosed is our Report to the Legislature on the Medicaid Personal Care Program, as required by Chapter 427, Laws of 1989 (III, A, Sec. 10).

If you have any questions about the report, please contact me.

Sincerely,
RICHARD J. THOMPSON
Secretary

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504

December 26, 1989

The Honorable Gordon A. Golob
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504
Dear Mr. Golob:

Enclosed is our Report to the Legislature on the Medicaid Hospice Benefit, as required by Chapter 427, Laws of 1989. The report provides general information on the Medicare and Medicaid hospice benefits as well as specific information on the Washington State Medicaid hospice benefit.

If you have any questions about the report, please contact me.

Sincerely,
RICHARD J. THOMPSON
Secretary

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
HIGHER EDUCATION COORDINATING BOARD
917 Lakeridge Way
Olympia, Washington 98504

January 2, 1990

TO: Gordon Golob, Secretary of the Senate
FROM: Ann Daley, Executive Director
SUBJECT: Washington State and Employers Higher Education Opportunities Program

The 1987 Legislature created the Washington State and Employers Higher Education Opportunities Program, assigning its administration to the Higher Education Coordinating Board. The program's authorizing language (RCW 28B.100.80) requires that the Board evaluate the program and submit a report to the Legislature, including its findings and specific recommendations by January, 1990.

The attached report is transmitted in response to that directive.

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504

January 4, 1990

Mr. Gordon A. Golob
Secretary of the Senate
Legislative Building
Olympia, Washington 98504
Dear Secretary Golob:

Enclosed is our Report to the Legislature on "Use of Title XIX in the Mental Health System," as required by Chapter 205, Laws of 1989.

If you have any questions regarding this report, please contact me.

Sincerely,
RICHARD J. THOMPSON
Secretary

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

WASHINGTON COMMITTEE FOR RECYCLING MARKETS
PRELIMINARY REPORT TO THE LEGISLATURE
FOREWORD

January 1990

The report is provided to the Washington State Legislature by the Department of Trade and Economic Development's Committee for Recycling Markets as required by Section 102 of ESHB 1671. The information contained herein summarizes the committee's preliminary findings and recommendations to date. Specific recommendations are included on issues where the committee finds that immediate action is necessary to improve the markets for recycled materials.

The final report from the committee will be completed in November 1990.

The Select Committee Report is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable,
President of the Senate
The Legislature of the State of Washington
Olympia, Washington
Mr. President:

I, Ralph Munro, Secretary of State of the state of Washington, do hereby certify that, according to the provisions of RCW 29.62.130, I have canvassed the returns of the votes cast for and against the state measures which were submitted to the vote of the people at the state general election held on the 7th day of November, 1989, that the total number of ballots cast at this state general election was 1,068,721 and that the total number of votes cast for and against each of these measures was as follows:

INITIATIVE MEASURE 102

"Shall the State support of children and family services and K-12 education programs be increased by \$360,000,000 in new taxes?"

| | |
|-----------|---------|
| YES | 349,357 |
| NO | 688,782 |

SENATE JOINT RESOLUTION 8200

"Shall the State Constitution be amended to provide that victims of charged felony crimes shall have certain basic fundamental right?"

YES 789,266
 NO 221,179

SENATE JOINT RESOLUTION 8202

"Shall the State Constitution's provision creating the Judicial Conduct Commission be revised to more explicitly describe its process and authority?"

YES 804,199
 NO 162,135

SENATE JOINT RESOLUTION 8210

"Shall the State Constitution permit local governments to finance, from the revenues of water sales, private efforts to conserve water?"

YES 622,494
 NO 350,876

I, further certify that the following is a full, true, and correct abstract of votes cast at the state general election held on the 7th day of November, 1989, as canvassed by me from the returns received from the County Auditors of Chelan and Douglas counties for the office of Superior Court Judge:

SUPERIOR COURT, Chelan-Douglas

Bridges Nonpartisan 10,548
 IN WITNESS WHEREOF, I have set my hand and affixed the seal of the state of Washington, this eighth day of January, 1990.

(Seal)

RALPH MUNRO, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

January 8, 1990

The Honorable
 President of the Senate
 The Legislature of the State of Washington
 Olympia, Washington
 Mr. President:

We herewith respectfully transmit for your consideration a copy of Initiative to the Legislature number 109, originally filed with this office on April 19, 1989. On December 31, 1989, the sponsors of the proposed initiative filed 10,467 signature petition sheets in support of the measure. We have completed our preliminary canvas of these petitions and have determined that they contain 153,619 signatures.

Accordingly, pursuant to the provisions of Article II, Section 1 of the State Constitution, we are provisionally certifying Initiative to the Legislature number 109 to you at this time. We expect to complete verification of signatures no later than February 7, 1990, and we will provide the Legislature with a final certification as soon as possible thereafter.

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of the state of Washington, this eighth day of January, 1990.

(Seal)

RALPH MUNRO, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
 President of the Senate
 The Legislature of the State of Washington
 Olympia, Washington
 Mr. President:

We respectfully transmit for your consideration the following bills which have been partially vetoed by the Governor, together with the official veto messages of

the Governor setting forth his objections to the section or items of each of the bills as required by Article III, Section 12, of the Washington State Constitution:

Sections 6(3), 9(3), 10(3),(4), 12(1),(2), 28(6), 38 and 67 of Reengrossed Substitute Senate Bill No. 5373, the remainder of which has been designated Chapter 6, Laws of 1989, First Extraordinary Session:

Sections 123(1),(3),(4),(5),(6), 125(4), 208(3), 209(1), 213(7),(8), 214(4), 218(6), 221(9),(12),(17),(18), 222(1),(2), 225(2), 230(2), 304(7), 313(4), 316(1), 503(10), 601(2), 602(2), 610(2), 709(3), 804, 805, 809, 810, and 813 of Engrossed Substitute Senate Bill No. 5352, the remainder of which has been designated Chapter 19, Laws of 1989, First Extraordinary Session:

Section 213, 392, 539, 824, 884, 901(4), and 909(3) of Substitute Senate Bill NO. 5521, the remainder of which has been designated Chapter 12, Laws of 1989, First Extraordinary Session:

Sections 105, 209, 302, 415, 512, 714, and 814 of Engrossed Senate Bill No. 6152, the remainder of which has been designated Chapter 9, Laws of 1989, First Extraordinary Session.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington at Olympia, this eighth day of January, 1990.

(Seal)

RALPH MUNRO, Secretary of State

EDITOR'S NOTE: The Governor's Partial Veto Messages on Reengrossed Substitute Senate Bill No. 5373, Engrossed Substitute Senate Bill No. 5352, Substitute Senate Bill No. 5521 and Engrossed Senate Bill No. 6152 will be found in the Index of the 1989 Senate Journal.

MOTIONS

On motion of Senator Newhouse, Reengrossed Substitute Senate Bill No. 5373 was referred to the Committee on Transportation.

On motion of Senator Newhouse, Engrossed Substitute Senate Bill No. 5352 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, Substitute Senate Bill No. 5521 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, Engrossed Senate Bill No. 6152 was referred to the Committee on Health and Long-Term Care.

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

MESSAGE FROM THE HOUSE

January 8, 1990

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4426, and the same is herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4426 by Representatives Ebersole and Ballard

Calling a joint session of the legislature to receive the governor's state of the state message.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4426 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4426 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

January 8, 1990

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4427, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4427 by Representatives Ebersole and Ballard

Providing for the reintroduction of measures introduced during the 1989 legislature session.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4427 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4427 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

MOTION

Senator Newhouse moved that the Committee on Rules be relieved of the following bills and that the bills be referred as designated.

SENATE BILLS - THIRD READING

SSB 5001, Referred to Committee on Economic Development and Labor
 2SSB 5002, Referred to Committee on Economic Development and Labor
 SSS 5004, Referred to Committee on Economic Development and Labor
 SSB 5021, Referred to Committee on Health and Long-Term Care
 ESB 5094, Referred to Committee on Law and Justice
 SSB 5106, Referred to Committee on Economic Development and Labor
 2SSB 5145, Referred to Committee on Health and Long-Term Care
 SSB 5148, Referred to Committee on Financial Institutions and Insurance
 ESSB 5149, Referred to Committee on Transportation
 SSB 5175, Referred to Committee on Health and Long-Term Care
 SB 5176, Referred to Committee on Health and Long-Term Care
 2SSB 5177, Referred to Committee on Health and Long-Term Care
 ESSB 5178, Referred to Committee on Health and Long-Term Care
 SSB 5179, Referred to Committee on Health and Long-Term Care
 SSB 5181, Referred to Committee on Health and Long-Term Care
 2SSB 5182, Referred to Committee on Health and Long-Term Care
 2SSB 5203, Referred to Committee on Economic Development and Labor
 ESB 5204, Referred to Committee on Economic Development and Labor
 SB 5209, Referred to Committee on Transportation
 ESB 5232, Referred to Committee on Economic Development and Labor
 2SSB 5268, Referred to Committee on Energy and Utilities
 ESB 5284, Referred to Committee on Transportation
 SSB 5307, Referred to Committee on Economic Development and Labor
 SSB 5319, Referred to Committee on Health and Long-Term Care
 ESB 5328, Referred to Committee on Economic Development and Labor
 E2SSB 5339, Referred to Committee on Economic Development and Labor
 SSB 5383, Referred to Committee on Economic Development and Labor

SSB 5385, Referred to Committee on Health and Long-Term Care
 ESSB 5386, Referred to Committee on Health and Long-Term Care
 SSB 5420, Referred to Committee on Transportation
 SSB 5435, Referred to Committee on Governmental Operations
 SB 5487, Referred to Committee on Governmental Operations
 SB 5489, Referred to Committee on Governmental Operations
 SSB 5491, Referred to Committee on Transportation
 ESSB 5516, Referred to Committee on Health and Long-Term Care
 ESB 5519, Referred to Committee on Education
 SSB 5542, Referred to Committee on Economic Development and Labor
 SSB 5547, Referred to Committee on Law and Justice
 ESB 5558, Referred to Committee on Economic Development and Labor
 SSB 5594, Referred to Committee on Health and Long-Term Care
 ESB 5622, Referred to Committee on Economic Development and Labor
 ESB 5631, Referred to Committee on Economic Development and Labor
 SSB 5647, Referred to Committee on Economic Development and Labor
 ESB 5677, Referred to Committee on Governmental Operations
 SB 5685, Referred to Committee on Economic Development and Labor
 SSB 5702, Referred to Committee on Economic Development and Labor
 SB 5705, Referred to Committee on Energy and Utilities
 SSB 5754, Referred to Committee on Economic Development and Labor
 SB 5789, Referred to Committee on Law and Justice
 SB 5797, Referred to Committee on Governmental Operations
 ESB 5808, Referred to Committee on Economic Development and Labor
 SSB 5830, Referred to Committee on Economic Development and Labor
 ESSB 5835, Referred to Committee on Energy and Utilities
 ESB 5842, Referred to Committee on Economic Development and Labor
 ESSB 5872, Referred to Committee on Economic Development and Labor
 SSB 5927, Referred to Committee on Energy and Utilities
 SSB 5948, Referred to Committee on Energy and Utilities
 SB 5966, Referred to Committee on Economic Development and Labor
 SB 5992, Referred to Committee on Energy and Utilities
 SSB 5993, Referred to Committee on Energy and Utilities
 SB 6034, Referred to Committee on Energy and Utilities
 ESB 6045, Referred to Committee on Governmental Operations
 SSB 6061, Referred to Committee on Energy and Utilities
 SSB 6145, Referred to Committee on Health and Long-Term Care
 SSCR 8404, Referred to Committee on Economic Development and Labor

SENATE BILLS – SECOND READING

SB 5006, Referred to Committee on Economic Development and Labor
 SB 5076, Referred to Committee on Children and Family Services
 SB 5124, Referred to Committee on Children and Family Services
 SB 5180, Referred to Committee on Health and Long-Term Care
 SB 5187, Referred to Committee on Law and Justice
 SB 5244, Referred to Committee on Economic Development and Labor
 SB 5300, Referred to Committee on Economic Development and Labor
 SB 5302, Referred to Committee on Economic Development and Labor
 SB 5349, Referred to Committee on Law and Justice
 SB 5411, Referred to Committee on Children and Family Services
 SB 5437, Referred to Committee on Economic Development and Labor
 SB 5518, Referred to Committee on Energy and Utilities
 SB 5537, Referred to Committee on Law and Justice
 SB 5538, Referred to Committee on Economic Development and Labor
 SB 5550, Referred to Committee on Economic Development and Labor
 SB 5559, Referred to Committee on Economic Development and Labor
 SB 5568, Referred to Committee on Transportation
 SB 5602, Referred to Committee on Economic Development and Labor
 SB 5620, Referred to Committee on Health and Long-Term Care
 SB 5661, Referred to Committee on Governmental Operations
 SB 5682, Referred to Committee on Health and Long-Term Care

SB 5698, Referred to Committee on Governmental Operations
 SB 5714, Referred to Committee on Energy and Utilities
 SB 5744, Referred to Committee on Health and Long-Term Care
 SB 5749, Referred to Committee on Economic Development and Labor
 SB 5752, Referred to Committee on Economic Development and Labor
 SB 5767, Referred to Committee on Governmental Operations
 SB 5768, Referred to Committee on Governmental Operations
 SB 5775, Referred to Committee on Law and Justice
 SB 5795, Referred to Committee on Economic Development and Labor
 SB 5806, Referred to Committee on Energy and Utilities
 SB 5822, Referred to Committee on Economic Development and Labor
 SB 5849, Referred to Committee on Health and Long-Term Care
 SB 5869, Referred to Committee on Economic Development and Labor
 SB 5880, Referred to Committee on Governmental Operations
 SB 5900, Referred to Committee on Governmental Operations
 SB 5935, Referred to Committee on Governmental Operations
 SB 5953, Referred to Committee on Law and Justice
 SB 5973, Referred to Committee on Children and Family Services
 SB 5996, Referred to Committee on Energy and Utilities
 SJR 8215, Referred to Committee on Governmental Operations
 SJR 8221, Referred to Committee on Governmental Operations
 SCR 8409, Referred to Committee on Health and Long-Term Care

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse to relieve the Committee on Rules of the listed bills and refer the bills as designated.

The motion by Senator Newhouse carried and the bills were referred to the committees as designated.

MOTION

At 12:50 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 1:13 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

January 8, 1990

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4428 and the same is herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4428 by Representatives Ebersole and Ballard

Establishing cutoff dates.

MOTION

On motion of Senator Newhouse, the rules were suspended and House Concurrent Resolution No. 4428 was advanced to second reading and read the second time.

MOTIONS

Senator Cantu moved that the following amendment by Senators Cantu, Anderson and McDonald be adopted:

On page 1, beginning on line 7, after "budgets" strike all material through and including "budgets" on line 8 and insert ", matters necessary to implement budgets, and matters relating to the reduction of taxes"

On motion of Senator Vognild, the following amendment by Senators Vognild, Gaspard, Bender, Talmadge, Murray, Moore, Williams, Niemi and Warnke to the amendment by Senators Cantu, Anderson and McDonald was adopted:

On page 1 of the amendment after "taxes" insert ", growth strategies and access to medical care"

The President declared the question before the Senate to be the adoption of the amendment by Senators Cantu, Anderson and McDonald, as amended, on page 1, beginning on line 7, to House Concurrent Resolution No. 4428.

Debate ensued.

POINT OF INQUIRY

"Senator Lee: "Senator Cantu, I know we are using the term 'tax reduction' in this measure. When we're talking about some of the problems we have with property tax, however, the words 'tax relief' are often used. Do you consider the term 'tax reduction' synonymous with 'tax relief' for the purposes of this amendment?"

Senator Cantu: "Yes."

Further debate ensued.

Senator Nelson demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Cantu, Anderson and McDonald, as amended, on page 1, beginning on line 7, to House Concurrent Resolution No. 4428.

ROLL CALL

The Secretary called the roll and the amendment, as amended, was adopted by the following vote: Yeas, 42; nays, 6; absent, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams - 42.

Voting nay: Senators DeJarnatt, Niemi, Patterson, Rinehart, Vognild, Wojahn - 6.

Absent: Senator Fleming - 1.

MOTION

On motion of Senator Bender, Senator Fleming was excused.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4428, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the concurrent resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4428, as amended by the Senate.

House Concurrent Resolution No. 4428, as amended by the Senate, was adopted by voice vote.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Health and Long-Term Care was relieved of the following bills: Senate Bill No. 5278, Senate Bill No. 5320, Senate Bill No. 5321, Senate Bill No. 5455 and Senate Bill No. 5912.

On motion of Senator Newhouse, Senate Bill No. 5278, Senate Bill No. 5320, Senate Bill No. 5321, Senate Bill No. 5455 and Senate Bill No. 5912 were referred to the Committee on Law and Justice.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

January 8, 1990

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8428, and the same is herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8428.

MOTION

At 1:44 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:30 a.m., Tuesday, January 9, 1990.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 9, 1990

The Senate was called to order at 10:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Fleming, Lee, Owen and Vognild. On motion of Senator Warnke, Senators Fleming, Owen and Vognild were excused. On motion of Senator Anderson, Senator Lee was excused.

The Sergeant at Arms Color Guard, consisting of Pages Marian Perry and Dirk Lye, presented the Colors. Reverend Ronald W. Hastie, pastor of the Evergreen Christian Center of Olympia, offered the prayer.

MOTION

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

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504

January 4, 1990

Mr. Gordon A. Golob
Secretary of the Senate
Legislative Building
Olympia, Washington 98504
Dear Secretary Golob:

Enclosed is our Report to the Legislature on Recruitment of Adoptive and Foster Homes as required by Chapter 505, Laws of 1987.

If you have any questions regarding the report, please contact me.

Sincerely,
RICHARD J. THOMPSON
Secretary

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

PORT OF TACOMA

U.S.A.

January 5, 1990

Gordon Golob
Secretary of the Senate
Washington State Legislature
Legislative Building
Olympia, Washington 98504
Dear Gordon:

On October 18, 1989, the ports of Tacoma and Seattle submitted a report to you as mandated by the Legislature. This report requirement is contained in our Puyallup Tribal Settlement appropriation (current capital budget bill section 901, subsection 5) which states:

(5) The chief clerk of the house of representatives and the secretary of the senate have certified that the Port of Tacoma, in consultation with the Port of

Seattle, has reported to the Legislature on a plan to cooperate with other port districts and other governments in the state in maintaining and increasing the state's share of international trade."

Based on our fulfillment of this requirement, we would now like to request your acknowledgement that you did actually receive the report. Our attorney advises us that this is necessary before any funds can be released. In the interest of keeping this simple, I have prepared the attached form for your signature and have included an extra copy of the report for your reference.

Your consideration of this matter is appreciated. I know this is a very busy time for you and wish you the best for the up-coming session.

Sincerely,
DONALD G. MEYER
Deputy Executive Director

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

YEAR END REPORT

THE WASHINGTON ECONOMIC DEVELOPMENT FINANCE AUTHORITY ACTIVITIES
TO

SENATE ECONOMIC DEVELOPMENT AND LABOR COMMITTEE
HOUSE TRADE AND ECONOMIC DEVELOPMENT COMMITTEE

January 8, 1990

The Honorable Eleanor Lee, Chair
Senate Economic Development and Labor Committee
Washington State Senate
Legislative Building
Olympia, Washington 98504

The Honorable Maria Cantwell, Chair
House Trade and Economic Development Committee
Washington State House of Representatives
Legislative Building
Olympia, Washington 98504

Dear Senator Lee and Representative Cantwell:

I am happy to submit to you the attached report on the activities of the Washington Economic Development Finance Authority (the Authority). The submission of such a report is required by the original statute creating the Authority, Substitute House Bill No. 1553 of the 1989 legislative session. The bill was signed by the Governor on June 8, 1989. It is Chapter 279, Laws of 1989 and codified as RCW 43.163.

You may find this report to be relatively brief, but the history of the Authority itself is short, though constructive and encouraging as to its purposes. I am certain that future reports will be considerably more substantive.

I am happy to respond to any further inquiries you may have regarding the Authority and you should feel free to contact me at any time in regard to the Authority's activities.

Respectfully,
ROD BRISTOL, Chair
Washington Economic Development Finance Authority

The Select Committee Report is on file in the Office of the Secretary of the Senate.

MESSAGE FROM GOVERNOR GARDNER
COMMUTATION OF SENTENCE

Office of the Governor

January 8, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

In compliance with the provision of Section II of Article III of the Constitution of the state of Washington, the Governor hereby submits his report of each case of reprieve, commutation or pardon that he has granted since the adjournment of the 1989 Second Special Session of the Fifty-First Legislature, copy of which is attached.

Respectfully submitted,

TERRY SEBRING, Legal Counsel to the Governor

CONDITIONAL COMMUTATION/CLEMENCY ORDER

DELIA ALANIZ

On December 23, 1988, Delia Alaniz was sentenced by The Superior Court of Skagit County for the state of Washington to a term of 123 months (ten years and three months) in prison after a plea of guilty to Murder in the Second Degree of her husband, Roy Alaniz.

Delia Alaniz has now served approximately one year and ten months of her sentence, having been originally incarcerated on January 28, 1988, and sentenced on December 23, 1988.

Numerous petitions and letters have been received by the Governor on behalf of Delia Alaniz urging that her sentence be commuted. The matter was thoroughly reviewed by the Clemency and Pardons Board which recommended a conditional clemency by a 3 to 2 vote at its September 8, 1989 meeting.

The documents presented indicate that Delia Alaniz and her children were physically, sexually and mentally abused by her husband, Roy Alaniz, throughout their 17 years of marriage; that she was in fear for her life and the physical well-being of her children due to her husband's past actions and threats; that she was later diagnosed as suffering from the battered woman syndrome which explains, in part, why she was unable to successfully use the community and legal resources available to effectively intervene to stop the violence and sexual abuse; that these facts do not relieve Delia Alaniz from the responsibility of her actions, though they do explain her motive and inability to help herself by legal means.

Violence against women and children is all too common and a disturbing problem in our society. Although we have made efforts in our state by passing laws which are intended to provide protection, counseling and shelter to victims of family violence such as Delia Alaniz and her children, no system can guarantee absolute protection. Though I do not condone the action by Delia Alaniz, it is my hope that her story will increase public awareness of the tragic consequences of the battered woman syndrome and will reinforce our determination to continue to provide more effective alternatives to end this destructive cycle of inner family violence.

Delia Alaniz has accepted the responsibility for her actions and admitted her guilt. Due to the unique nature of this crime, it is unlikely that Delia Alaniz will present any future danger to society if released at this time subject to the conditions set forth herein. I further believe that Delia Alaniz and her family have already paid a substantial emotional price as victims of the years of abuse by Roy Alaniz and subsequently as victims due to the criminal action taken by Delia Alaniz.

This is an extraordinary case and justice is served by granting a conditional clemency at this time for the remainder of Delia Alaniz's sentence, subject to the following conditions, with the explicit understanding that Delia Alaniz may be returned to prison to complete the balance of her sentence if the conditions are not fulfilled. The Department of Corrections is hereby directed to supervise the following conditions and to release Delia Alaniz from prison upon final verification that she has employment, a place to reside, and she has signed a copy of this document after advice of counsel indicating she understands the conditions herein and agrees to them in full. The Department of Corrections shall have the responsibility to supervise her and periodically report her progress to the Governor's Office and to also monitor her for any violations of the conditions.

Delia Alaniz's conditional clemency is subject to the following conditions and may be revoked by the Governor for violation of any or all of these conditions:

1. Enter and successfully complete counseling as ordered or approved by the community corrections officer. Seek psychological counseling for her children.

2. Complete five years' of community service in the form of educating the public and the courts about domestic violence as ordered or approved by the community corrections officer.

3. Be employed and/or involved in an educational program acceptable to the community corrections officer and obtain permission from the community corrections officer before changing residence, employment or educational programs.

4. Not use or possess drugs or alcohol without a prescription from a licensed physician and submit to testing for the use of alcohol/drugs as scheduled by the community corrections officer.

5. Possess no deadly weapons on her person and not own or possess a firearm.

6. Obey all laws.

7. Possess a Department of Corrections-issued identification card, a Washington State identification card or a Washington State driver's license at all times.

8. Submit to the search of her person, residence, vehicle, and/or belongings when ordered to do so by the community corrections officer.

9. Obtain written permission from the community corrections officer before traveling outside of Washington State.

10. Repay any monies received from the Crime Victims Fund and other legal financial obligations imposed by the court on a fee schedule set by the community corrections officer. This provision shall also include the obligation to pay supervision fees based upon ability to pay and at the direction of the community corrections officer.

11. Not cohabit with another adult without the prior permission of the community corrections officer.

12. Follow the directions of the community corrections officer in meeting any or all of the conditions imposed by the Department of Corrections to facilitate the carrying out of the conditions herein. These conditions include appearing, when directed, to meet with her community corrections officer, submitting monthly reports on how she's fulfilling the conditions and providing any information needed to assure compliance with the conditions.

VIOLATION PROCEDURE

Should a violation of any of the conditions herein occur, the following process will be followed:

1. The community corrections officer may detain Delia Alaniz in jail or prison and/or issue a warrant for her arrest upon a determination that there is probable cause to believe a violation of any of the conditions has occurred.

2. Detention beyond 48 hours must be reviewed and approved by the Secretary of the Department of Corrections or his/her designee.

3. Within five days of placement in custody, a supervisory level employee of the Department of Corrections will conduct a hearing to review the probable cause determination.

4. Upon a finding of probable cause, the violation(s) will be brought to the attention of a representative appointed by the Governor as his/her designee and that person will schedule a hearing, within 30 days of the probable cause review hearing decision, to determine if a violation has occurred. The Governor's designee shall make findings of fact as to a violation and make a recommendation to the Governor whether to revoke or modify the conditional clemency. This recommendation shall become the final decision within ten (10) days unless the Governor decides to modify it. There shall be no right to appeal or seek further review from the decision of the Governor or the Governor's designee.

TERM OF CONDITIONAL CLEMENCY

The period of this conditional clemency shall be from the date of Delia Alaniz's release from confinement with the State Department of Corrections until the expiration date of her 123 months sentence. If she violates any of the conditions of this clemency, the Governor or his/her designee may sentence her to the remaining unserved portion of the prison term, approximately eight years and five months, which will be remaining upon her release, even though a revocation will extend her new release date beyond her original release date had she remained in prison.

for the whole term without being released on a conditional clemency. Any violation of this conditional clemency must occur prior to the expiration date of the original 123 month sentence for it to be a basis for revoking here conditional clemency.

CONDITIONAL CLEMENCY GRANTED

NOW, THEREFORE, I, Booth Gardner, Governor of the state of Washington, by virtue of the authority vested in me by the laws of the state of Washington, do hereby grant the conditional clemency for Delia Alaniz, Department of Corrections' No. 946488, for her conviction of Murder in the Second Degree of her husband Roy Alaniz, pursuant to the conditions set forth herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington, to be affixed at Olympia this twenty-seventh day of October, A.D., Nineteen Hundred and Eighty-Nine.

BOOTH GARDNER
Governor

(Seal)

By the Governor:

Ralph Munro, Secretary of State

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 3, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Jeanne Cobb, appointed January 3, 1990, for a term ending October 25, 1995, as a member of the Small Business Export Financial Assistance Center Board of Directors.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Economic Development and Labor.

January 3, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

D. G. Hendricks, reappointed January 3, 1990, for a term ending October 25, 1995, as a member of the Small Business Export Financial Assistance Center Board of Directors.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Economic Development and Labor.

January 3, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Robert A. Levin, appointed January 3, 1990, for a term ending October 25, 1995, as a member of the Small Business Export Financial Assistance Center Board of Directors.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Economic Development and Labor.

January 3, 1989

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Penelope Peabody, appointed January 3, 1990, for a term ending October 25, 1995, as a member of the Small Business Export Financial Assistance Center Board of Directors.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Economic Development and Labor.

INTRODUCTION AND FIRST READING

SB 6227 by Senators Talmadge, Murray, Gaspard, Bender, Rinehart, Warnke, Wojahn, Vognild, Bauer, Fleming, Sutherland, Conner and Kreidler

AN ACT Relating to seismic safety in school buildings; reenacting and amending RCW 28A.04.120; adding a new chapter to Title 28A RCW; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Education.

SB 6228 by Senators Talmadge and Craswell

AN ACT Relating to working hours of interns and residents; and amending RCW 70.41.180 and 70.41.200.

Referred to Committee on Health and Long-Term Care.

SB 6229 by Senators Talmadge and Kreidler

AN ACT Relating to comprehensive health care coverage; amending RCW 74.09.700, 48.41.020, 48.41.060, 48.41.030, 70.47.010, 70.47.020, 70.47.030, 70.47.060, 70.47.080, 43.131.355, and 43.131.356; adding new sections to chapter 48.41 RCW; adding a new section to chapter 74.09 RCW; adding new sections to chapter 50.24 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health and Long-Term Care.

SB 6230 by Senator Talmadge

AN ACT Relating to historic theaters; adding a new section to chapter 12, Laws of 1989 1st ex. sess. (uncodified); creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6231 by Senators Lee, Nelson, Metcalf, Hayner, Thorsness, Bailey, von Reichbauer, Patrick, Bluechel, Saling, Johnson, Smith, Newhouse, Craswell, Amondson, Benitz, McCaslin, Sellar, Anderson, Rasmussen and Barr

AN ACT Relating to rule-making authority of the director and department of revenue; amending RCW 82.01.060 and 84.08.010; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6232 by Senators Lee, Bailey and Craswell

AN ACT Relating to valuation of property; and adding a new section to chapter 84.40 RCW.

Referred to Committee on Ways and Means.

SB 6233 by Senators Lee, Nelson, Bluechel, Hayner, Bailey, Amondson, Smith, von Reichbauer, Thorsness, Sellar, Benitz, Craswell, Warnke, Smitherman and Barr

AN ACT Relating to the business and occupation tax as applied to new businesses; and amending RCW 82.04.300.

Referred to Committee on Economic Development and Labor.

SB 6234 by Senators von Reichbauer, Smitherman, Saling and Gaspard

AN ACT Relating to crime and safety at institutions of higher education; amending RCW 28B.10.550, 28B.10.555, 43.101.200, 28B.10.560, and 28B.10.567; and adding new sections to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

SB 6235 by Senators Thorsness, Lee and Rasmussen (by request of Attorney General)

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

Referred to Committee on Economic Development and Labor.

SB 6236 by Senators Nelson, Talmadge, Thorsness, Warnke, Patrick, Bauer, Madsen, Rasmussen, Wojahn, Bender, Niemi, Conner and Kreidler

AN ACT Relating to offender scores for residential burglary; and amending RCW 9.94A.360.

Referred to Committee on Law and Justice.

SB 6237 by Senators Lee, Warnke, Rasmussen, Conner and Kreidler (by request of Attorney General)

AN ACT Relating to water treatment devices; and adding a new chapter to Title 19 RCW.

Referred to Committee on Economic Development and Labor.

SB 6238 by Senator Lee

AN ACT Relating to construction liens; amending RCW 19.27.095 and 60.04.230; adding new sections to chapter 60.04 RCW; and repealing RCW 60.04.010, 60.04.020, 60.04.030, 60.04.040, 60.04.045, 60.04.050, 60.04.060, 60.04.064, 60.04.067, 60.04.070, 60.04.080, 60.04.090, 60.04.100, 60.04.110, 60.04.115, 60.04.120, 60.04.130, 60.04.140, 60.04.150, 60.04.160, 60.04.170, 60.04.180, 60.04.190, 60.04.200, 60.04.210, 60.04.220, 60.20.010, 60.20.020, 60.20.030, 60.20.040, 60.20.050, 60.20.060, 60.48.010, and 60.48.020.

Referred to Committee on Economic Development and Labor.

SB 6239 by Senators Nelson, Talmadge, Madsen and Moore

AN ACT Relating to service of process; and amending RCW 12.04.040, 12.04.050, 12.04.080, and 12.04.090.

Referred to Committee on Law and Justice.

SB 6240 by Senators McDonald, Gaspard, Madsen and Rasmussen (by request of State Treasurer)

AN ACT Relating to financing contracts; and amending RCW 43.82.010, 84.36.010, and 39.94.020.

Referred to Committee on Ways and Means.

SB 6241 by Senators McDonald, Gaspard and Madsen (by request of State Treasurer)

AN ACT Relating to the state fire service training center bond retirement fund; adding a new section to chapter 43.63A RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6242 by Senators McDonald, Gaspard and Madsen (by request of State Treasurer)

AN ACT Relating to investment of state funds; and amending RCW 43.250.020, 43.250.030, 43.250.060, 43.250.070, and 43.84.090.

Referred to Committee on Ways and Means.

SB 6243 by Senators Warnke, Smitherman and Rasmussen

AN ACT Relating to the tax exemption for organizations and societies of war veterans; amending RCW 84.36.030 and 84.36.805; and creating a new section.

Referred to Committee on Ways and Means.

SB 6244 by Senators Bailey, Hansen, Gaspard and Barr

AN ACT Relating to organic food certification; amending RCW 15.86.070; and making an appropriation.

Referred to Committee on Agriculture.

SB 6245 by Senators Anderson, Hansen, Bailey, Gaspard, Barr, Bauer, Newhouse, Warnke, Benitz and Sutherland

AN ACT Relating to the registration of pesticides for minor uses; adding new sections to chapter 15.58 RCW; and providing an expiration date.

Referred to Committee on Agriculture.

SB 6246 by Senators Barr, Hansen, Anderson, Madsen, Benitz and Warnke

AN ACT Relating to pesticide recordkeeping; amending RCW 17.21.100 and 49.70.119; and declaring an emergency.

Referred to Committee on Agriculture.

SB 6247 by Senators Nelson, Vognild and Sellar

AN ACT Relating to cities and towns; and adding a new section to chapter 35.80 RCW.

Referred to Committee on Law and Justice.

SB 6248 by Senators Wojahn, Kreidler and Niemi

AN ACT Relating to health; creating new sections; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 6249 by Senators Wojahn, West, Warnke, Rasmussen, Vognild, Smith, Stratton, Bauer, Murray, Rinehart, Johnson, Smitherman, Gaspard, Kreidler, Niemi, Bender, Patrick, Fleming and Conner

AN ACT Relating to drug information services; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6250 by Senators Owen, Metcalf, Amondson, Sutherland, Conner, DeJarnatt, Stratton, Warnke, Bauer, Bender and Kreidler

AN ACT Relating to complimentary fishing licenses for athletes participating in the Goodwill Games; and creating new sections.

Referred to Committee on Environment and Natural Resources.

SB 6251 by Senators Rasmussen, Patterson, Saling, Thorsness, Wojahn, Bender, Conner and Kreidler

AN ACT Relating to license plates for surviving spouses of deceased former prisoners of war; and amending RCW 73.04.115.

Referred to Committee on Transportation.

SB 6252 by Senators Patterson, Murray, Wojahn, Barr, Bender and Conner

AN ACT Relating to a moratorium on siting of hazardous waste disposal facilities near agricultural lands; amending RCW 70.105.240; adding new sections to chapter 70.105 RCW; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SB 6253 by Senators Patterson, McCaslin, Matson, Hayner, Amondson, Rasmussen and Barr

AN ACT Relating to the regulatory taking of private property by state government; and adding a new chapter to Title 8 RCW.

Referred to Committee on Governmental Operations.

SB 6254 by Senators Nelson, DeJarnatt, McCaslin, Hayner and Rasmussen

AN ACT Relating to plats and short plats; and amending RCW 58.17.060 and 58.17.110.

Referred to Committee on Governmental Operations.

SB 6255 by Senators Nelson, Talmadge, Bailey, Anderson, Hayner, Johnson, Sutherland, McCaslin, Warnke and Patrick

AN ACT Relating to assault of a transit or school bus operator or driver; amending RCW 9A.36.031; and reenacting and amending RCW 9A.36.021.

Referred to Committee on Law and Justice.

SB 6256 by Senators Nelson, DeJarnatt, McCaslin, Sutherland, Hayner and Benitz

AN ACT Relating to plat requirements; and amending RCW 58.17.160.

Referred to Committee on Governmental Operations.

SB 6257 by Senators Nelson, DeJarnatt, McCaslin, Sutherland and Benitz

AN ACT Relating to land development applications; and amending RCW 58.19.060.

Referred to Committee on Governmental Operations.

SB 6258 by Senators Nelson, Sutherland, McCaslin and Saling

AN ACT Relating to rates and services of public utilities; and amending RCW 80.28.010.

Referred to Committee on Energy and Utilities.

SB 6259 by Senators Nelson, Talmadge, Patrick, Wojahn, Thorsness, Vognild, Bender, Warnke, Bauer, von Reichbauer, Gaspard, Madsen, Murray, Sutherland, Rasmussen, Fleming, Hansen, Conner and Kreidler (by request of Governor Gardner)

AN ACT Relating to criminal offenders; amending RCW 13.40.205, 10.77.163, 10.77.165, 71.05.325, 71.05.390, 71.05.420, 71.05.440, 9.94A.155, 13.50.050, 9.92.151, 9.94A.150, 70.48.210, 13.40.020, 13.40.160, 13.40.110, 13.40.210, 43.43.745, 7.68.060, 7.68.085, 9.94A.390, 13.40.150, 9.94A.350, 9.94A.120, 9.94A.360, 9.95.009, 9A.44.050, 9A.44.083, 9A.44.076, and 9A.88.010; reenacting and amending RCW 9.94A.030, 9.94A.310, 9.94A.320, 9.94A.400, 43.43.830, 43.43.832, 43.43.834, and 43.43.838; adding new sections to chapter 13.40 RCW; adding a new section to chapter 10.77 RCW; adding a new section to chapter 71.05 RCW; adding a new section to chapter 4.24 RCW; adding new sections to chapter 9A.44 RCW; adding a new section to chapter 43.43 RCW; adding a new section to chapter 10.01 RCW; adding new sections to chapter 72.09 RCW; adding a new section to chapter 70.48 RCW; adding a new section to chapter 46.20 RCW; adding a new section to chapter 9.94A RCW; adding a new chapter to Title 71 RCW; adding a new chapter to Title 43 RCW; creating new sections; prescribing penalties; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Law and Justice.

At 10:43 a.m., the President declared the Senate to be at ease.

At 10:45 a.m., the Senate retired to the House Chamber for the purpose of a joint session.

JOINT SESSION

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

The Speaker of the House instructed the Sergeants at Arms of the House and Senate to escort the President of the Senate, Lieutenant Governor Joel Pritchard, President Pro Tempore Alan Bluechel, Vice President Pro Tempore Ellen Craswell and Majority Leader Jeannette Hayner to seats on the rostrum.

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

REMARKS BY THE SPEAKER

Speaker King: "It is our pleasure this morning to welcome the members of the Senate. We are looking forward to a wonderful session and a message from the Governor. At this point, I would like to turn the gavel over to the President of the Senate, Lieutenant Governor Joel Pritchard."

The Speaker presented the gavel to President Pritchard.

The Secretary of the Senate called the roll of the Senate and all members were present except Senators Fleming, Lee, Owen and Vognild, who were excused.

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

The President of the Senate appointed Senators Anderson and Rinehart and Representatives Appelwick and Prince as a special committee to escort Governor Booth Gardner from his office to a seat on the rostrum.

The President of the Senate appointed Senators McMullen, Niemi, Talmadge, Thorsness and Nelson and Representatives G. Fisher, Spanel and Wolfe as a special committee to escort the Supreme Court Justices from the State Reception Room to seats within the House Chamber.

The President of the Senate appointed Senators Patrick and Smitherman and Representatives Basich and Wood as a special committee to escort the State Elected Officials from the State Reception Room to seats within the House Chamber.

The President of the Senate introduced Governor Booth Gardner.

STATE OF THE STATE ADDRESS
BY GOVERNOR BOOTH GARDNER

Governor Gardner: "Mr. President, Mr. Speaker, Mr. Chief Justice, Justices of the Supreme Court, honored elected officials and fellow citizens of the state of Washington. The future has arrived. Washington has celebrated its centennial and begun its second century. The rest of the country is focusing on the decade ahead as a time to prepare for the twenty-first century. But we in Washington, know that a new century of statehood and a promising new age have already begun.

"The evidence of these new beginnings is everywhere. Apathy is giving way to a new wave of activism. Greed has become less fashionable than generosity. There is a new willingness to confront and solve problems rather than to retreat behind cynicism and self-interest. But best of all, the simple human values of kindness, honesty and openness have replaced political dogma as a guide for the way that we govern.

"Nothing underscores the arrival of this new future so eloquently as the day last November when we watched the Berlin wall open. In homes across America, we shared the joy of millions of Germans, as they danced in the streets half a world away from us. Forty years of silence and separation passed suddenly into history. It was a powerful demonstration of the strength of people who are determined to take the future into their own hands.

"As we face the future, we can draw on the lessons of those who dared to dream for more than we thought was possible. We can learn from those who turned barriers into gateways. And we will need to. The countries of Eastern Europe will soon become both our allies and our competitors in the growing community of free-world economies. They will join a growing list of nations all over the world that have challenged American products in world markets. We should rejoice in the prosperity of other nations, just as we celebrate freedom in Eastern Europe. We should recognize that we have problems today not because we have lost our way, but because other countries have found our way. We have helped to create the world in which we now find ourselves.

"Now, we must face the fact that this world demands more of us than ever before. To remain competitive in the century ahead, we must recognize that what was good enough in the past will not be good enough in the future. Just like the athletes at the Goodwill Games, which will put Washington State on the world stage this summer, we need to put on our running shoes and get ourselves in shape. Improving our economic performance will require that we strengthen all of our institutions--our schools and our universities, our state and local governments, our social service systems, our industries and our families. Like the people of Eastern Europe, we must work to tear down the walls between our own people in this state, because for us, they are not walls made of stone or barbed wire. They are the barriers of homelessness, poverty, addiction, illiteracy and fear.

"To make those walls crumble, we must build a state full of healthy families in safe and healthy communities. We must become a state in which every child is

learning and where every adult, who is capable, has access to a good job. We must create a state where rural and urban communities alike share prosperity, where the environment is protected, and where all citizens feel safe and secure.

"In this session of the Legislature, we can make substantial progress on this agenda. We have the good fortune of a budget surplus to help us. However, we must ensure that today's windfall does not become tomorrow's debt. Our state's population is growing as fast or faster than our revenues. In times like these, the prudent planner saves a third, spends a third, and invests one-third.

"In the budget I have proposed, one-third of the available surplus is invested in meeting the needs of children. Children can't learn if they can't see well enough to read the blackboard, or if they have a toothache but cannot afford to go to a dentist. Last session of the Legislature, we had the vision to enact a program called First Steps. Now, sixteen thousand more young children are receiving health care. Today it is time to take the second step--to extend that coverage to all school-age kids whose families are in poverty. Let's make sure that all our classrooms are full of healthy learners.

"Let's also continue to invest in excellence in our schools. Let's make sure that our children graduate from high school knowing more than we knew when we graduated. Most important of all, let's ensure that all of our children graduate--not drop out and not be kids who have already decided they are failures when their lives have scarcely begun. We need to restructure schools, as we have begun to do in the Schools for the Twenty-First Century project. We need to return control to local communities, deregulate and diversify our programs, so that we respond to the individual needs of every child. We need parents who are partners with teachers in the education of children. And we need the freedom, as parents, to seek the best educational setting for our children, even if it means crossing school district lines to find it.

"Americans cherish the right to choose. Families choose the day care centers and the colleges their children attend. Now, they would like to choose the public school which is best for them. That is a perfectly reasonable request. No one school can meet the needs of all children. In the last session of the Legislature, we enacted a measure that allows students who have dropped out of school, kids who are returning from drug or alcohol treatment, and teen parents to get a fresh start in the school of their choice. Why should we wait until they fail or get in trouble to give them this choice? Every child can learn, and every child should have the right to learn in the public school where they learn best. If a child is failing in school, it is because we are failing that child, and we cannot afford to let any children fail.

"Every adult can learn, too. The workforce of the future will require constant training and retraining, and we must build the institutional capacity in our community colleges, our vocational institutes, and yes, even in our public schools, for adult job retraining and skills development. Our job training and retraining programs were adequate in the fifties, in the sixties and in the seventies, but they are not adequate now. That is why I am proposing a year-long, intensive review of our job training programs and pilot programs to test new ways of training world class workers for Washington businesses.

"Good workers in good jobs are the foundation of a healthy community, but protecting jobs alone is not enough. We must also protect ourselves and our communities. Protecting our communities means facing problems that are so traumatic that it is still difficult for many of us to talk about them--the problems of sexual predators, child abuse, family violence, and drug and alcohol addiction. The recent past has been full of both despair and dramatic progress on these issues. We despair when we hear of the brutal crimes against the vulnerable. In the Ozzie-and-Harriet fifties, such crimes were not absent; they simple were not discussed. But, those days are over. In the language of the family therapist, we have finally gotten over our denial phase. We have made the painful effort to face these problems, to confront their enormity and to openly express our outrage and our anger.

"This is our version of glasnost, of openness to the truth and to the urgent need to change. Members of the Community Protection Task Force faced these issues with enormous courage and developed recommendations that will be strong medicine in the battle against the disease of violence. When Norm Maleng, Helen

Harlow and Ida Balliasotes come to you and ask for your support of the community protection bill, you can only give them one answer. But, this bill is not for them alone. It is for all of us. It is for every woman who has ever been attacked; it is for every child who has ever been abused and for every victim who has suffered at the hands of a criminal. It is for all of us--all the citizens of this state who deserve to feel safe in their homes and their communities.

"The safety of the public must always be the paramount consideration in decisions about who gets out on our streets. But, look at the numbers. Our county jails are bursting at the seams and thousands more violent offenders are headed for prison. We can't put these people back in the streets. That would be the worst crime. We have no choice but to build more prisons, and we'd better get started right now. We know that, in the long run, building prisons is not a solution to the problem of crime, but for the immediate future it is the necessary response. We need to keep criminals behind bars and we need to show more compassion for their victims. Let's all affirm right now that the victims of crime have a right to recovery and to humane treatment that heals the wounds of fear and grief.

"In the long term, ending the scourge of violence requires breaking the cycles of poverty, addiction and family chaos. That's why our budget also calls for more treatment for the addicted and more counseling and mental health services for children and for families that are dysfunctional. All of us need to redouble our efforts to ensure that every child and every family in this state is safe and secure; that every child and every family live in circumstances that promote good health and good values.

"However, protecting ourselves from the symptoms of poverty isn't enough; we must protect ourselves from the economic conditions that make poverty inevitable. We know that we must protect our natural heritage and that some of our forests have been cut at a rate which is no longer sustainable. But, no humane person wants to save the forests by driving the families that depend on those forests into poverty. We cannot solve the timber crisis by confronting one another in court or by organizing angry demonstrations. In the long term, all of us want the same thing--sustainable communities in a sustainable environment.

"To build that essential agreement, I am working closely with the Public Lands Commissioner and our congressional delegation to protect both our forests and the economic health of the communities that depend on those forests. I have also proposed measures to protect our wetlands, to purchase old growth forests from the school trust, and to make a long-term commitment to the strongest possible protection of Puget Sound water quality.

"As more and more people move to Washington State, protecting our environment becomes more and more challenging. We must meet that challenge by managing growth instead of arguing about it. All the doctors in the world won't be able to keep our children healthy if the air is polluted, the drinking water contaminated, or if the land will not sustain our need for food and housing.

"While the needs of our children and grandchildren must remain paramount in our plans for the future, there is something which we can do for ourselves. And that is to fix a transportation system that has kept so many of us stuck for too long on our freeways. Those of us who must show up for work on time every morning and get home to our families at night need a break and we can't wait until the next century. Our new approach to transportation planning recognizes the realities of population growth and the need to plan for it. It makes no sense to keep building more highways when the population is growing faster than we can build on-ramps. It makes even less sense to let our highways and bridges deteriorate, as we have been doing the past few years. We need additional revenue to repair and maintain existing roads and bridges, to develop better our mass transit systems and to coordinate planning, so that growth, environmental protection and transportation fit together like the pieces of a puzzle. To prevent hardening of the arteries of our state's circulatory system, we need to change our transportation diet. That is a problem that will not be solved in a year, but this has to be the year that we begin to solve the problem.

"It also has to be the year that we don't shoot ourselves in the foot just because we have a one-time six hundred million dollar surplus. We know that to maintain existing levels of government, service will cost an additional one and a half billion

dollars or more in the next biennium. Every child in Washington needs a school, a home and a street to get from one to the other. Every business in Washington needs skilled workers and managers, a transportation system to get their products to market, and government services that are efficient and accessible.

"That is why I am continuing our efforts to find ways to save money and make state government more efficient. The Efficiency Commission and suggestions from state employees have saved this state millions of dollars. But it is no time to rest on our laurels. We need to save more, and we need to be more productive. To be more productive, we need to attract, train and retrain the very best state employees. You will have legislation before you to address this need. To save more, we need a shared commitment to putting some of this budget surplus away. I am going to be difficult to satisfy on this score, only because I want Washington State to be a national model of prudence and productivity and I want us to have a substantial cushion in the bank. To be as blunt as possible, at least one-third of today's surplus will still be in the bank when this session of the Legislature is over.

"As Washington begins its second century as a state, we are blessed with natural abundance and economic health. We are blessed with people who care about one another and we are blessed with communities that pull together. When we think of what we have achieved here in the last century, it fuels our optimism for the next one. As we begin the next century together, let's embrace the future. Let's take the future into our hands and shape it for the benefit of all the citizens of the state of Washington. We can share in better times if we resolve now to lead rather than follow, to plan rather than react, to conserve rather than squander and to nurture rather than neglect.

"If the events of the past year have taught us only one thing, let it be that we can achieve what used to seem beyond our grasp. Our persistence will pay off, just as it has for the people of Eastern Europe. Moral, political and economic progress is within our reach, if only we have faith in each other and faith in ourselves and a commitment to creating a future that every citizen in this state can share.

"Thank you very much."

The President of the Senate instructed the special committee to escort Governor Gardner to his office.

The President of the Senate instructed the special committee to escort the State Elected Officials from the House Chamber.

The President of the Senate instructed the special committee to escort the Supreme Court Justices from the House Chamber.

MOTION

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

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

The Speaker of the House instructed the Sergeants at Arms of the House and Senate to escort the President of the Senate, Lieutenant Governor Joel Pritchard, President Pro Tempore Alan Bluechel, Vice President Pro Tempore Ellen Craswell and Majority Leader Jeannette Hayner from the House Chamber.

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

The President called the Senate to order at 11:36 a.m.

MOTION

At 11:36 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m. Wednesday, January 10, 1990.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 10, 1990

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Fleming and Owen. On motion of Senator Warnke, Senators Fleming and Owen were excused. On motion of Senator Anderson, Senator Benitz was excused.

The Sergeant at Arms Color Guard, consisting of Pages Christine Sohn and Janet Griffith, presented the Colors. Reverend Ronald W. Hastie, pastor of the Evergreen Christian Center of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

January 9, 1990

Mr. President:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4426, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

January 9, 1990

Mr. President:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4427, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

January 9, 1990

Mr. President:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 8428, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6260 by Senators Saling, Gaspard and Barr (by request of Legislative Budget Committee)

AN ACT Relating to sunset review; amending RCW 43.131.319, 43.131.323, 43.131.351, 43.131.352, 43.131.357, and 43.131.358; adding a new section to chapter 18.83 RCW; recodifying RCW 43.131.319, 43.131.320, 43.131.323, 43.131.351, 43.131.352, 43.131.357, and 43.131.358; and repealing RCW 43.131.331, 43.131.332, 43.131.361, and 43.131.362.

Referred to Committee on Governmental Operations.

SB 6261 by Senators Barr, Gaspard, McCaslin and McMullen

AN ACT Relating to local parks and recreation facilities capital improvements; and adding a new section to chapter 67.28 RCW.

Referred to Committee on Ways and Means.

SB 6262 by Senators Barr, Rasmussen and Nelson

AN ACT Relating to dogs; amending RCW 16.08.070 and 16.08.100; adding new sections to chapter 16.08 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6263 by Senators Wojahn, Vognild and Madsen

AN ACT Relating to Pierce College; adding a new section to chapter 28B.50 RCW; and adding a new section to chapter 72.01 RCW.

Referred to Committee on Higher Education.

SB 6264 by Senators Owen, Nelson, Conner, Newhouse, Bauer, Stratton, Amondson, McCaslin, McDonald, Vognild, Craswell, Thorsness, Gaspard, Warnke, West, Patrick, Smith, Barr and Sutherland

AN ACT Relating to intercepting, transmitting, or recording conversations concerning sexual abuse of children; adding a new section to chapter 9.73 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6265 by Senators Gaspard, Saling, Wojahn and Barr (by request of Legislative Budget Committee)

AN ACT Relating to sunset review; amending RCW 43.131.010, 43.131.050, 43.131.343, 43.131.344, and 18.74.012; recodifying RCW 43.131.343 and 43.131.344; and repealing RCW 67.70.900, 43.131.256, 43.131.269, 43.131.270, 43.131.315, 43.131.316, 43.131.339, 43.131.345, and 43.131.346.

Referred to Committee on Governmental Operations.

SB 6266 by Senators Saling, Gaspard, Smith, Wojahn and Barr (by request of Legislative Budget Committee)

AN ACT Relating to sunset review; amending RCW 43.131.010, 43.131.050, 43.131.301, 43.131.302, 43.131.303, and 43.131.304; adding new sections to chapter 18.06 RCW; adding new sections to chapter 43.131 RCW; adding new sections to chapter 53.31 RCW; adding new sections to chapter 67.16 RCW; recodifying RCW 43.131.301, 43.131.302, 43.131.303, 43.131.304, 43.131.359, and 43.131.360; repealing RCW 18.06.900, 18.06.901, 19.118.901, 28A.61.900, 53.31.900, 67.16.240, and 43.131.256; and repealing section 9, chapter 387, Laws of 1987 (uncodified).

Referred to Committee on Governmental Operations.

SB 6267 by Senators Moore, Nelson, Wojahn, Amondson, Johnson, Smith, Matson, Bauer and Niemi

AN ACT Relating to regulation of occupational therapy; amending RCW 18.59.090; and repealing RCW 43.131.335 and 43.131.336.

Referred to Committee on Health and Long-Term Care.

SB 6268 by Senators Sellar, Owen, Metcaif and Barr

AN ACT Relating to shoreline management; and amending RCW 90.58.030, 90.58.140, and 90.58.180.

Referred to Committee on Governmental Operations.

SB 6269 by Senators West, Wojahn, Smith, Johnson, McDonald, von Reichbauer and Rasmussen

AN ACT Relating to health care insurance claims; adding a new section to chapter 48.02 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; and adding a new section to chapter 48.84 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6270 by Senators West and Johnson

AN ACT Relating to state health care access task force; amending RCW 43.131.355 and 43.131.356; creating new sections; and repealing RCW 70.170.030 and 70.170.040.

Referred to Committee on Health and Long-Term Care.

SB 6271 by Senators West, Johnson and Niemi

AN ACT Relating to limited medical licenses for University of Washington school of medicine departmental or divisional fellowship programs; and amending RCW 18.71.095.

Referred to Committee on Health and Long-Term Care.

SB 6272 by Senators West, Johnson and Smith

AN ACT Relating to discipline of assistants of health care professionals; and adding a new section to chapter 18.130.

Referred to Committee on Health and Long-Term Care.

SB 6273 by Senators West, Stratton, Smith, Nelson, Metcalf, Johnson and Rasmussen

AN ACT Relating to AIDS education in public schools; amending RCW 70.24.210 and 70.24.220; adding new sections to Title 28A RCW; adding a new section to chapter 9A.44 RCW; creating a new section; repealing RCW 28A.05.055 and 28B.10.730; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 6274 by Senator West

AN ACT Relating to regional health promotion and disease prevention districts; adding new sections to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 6275 by Senators West, Johnson and Niemi

AN ACT Relating to demonstration project for persons with acquired traumatic brain injury; creating new sections; and providing an expiration date.

Referred to Committee on Health and Long-Term Care.

SB 6276 by Senators Sutherland and Bauer

AN ACT Relating to circumstances for removing a child from the home; and amending RCW 13.34.130.

Referred to Committee on Children and Family Services.

SB 6277 by Senators Rinehart, Amondson, Sutherland, McCaslin, Craswell, Lee and DeJarnatt

AN ACT Relating to repealing the select joint committee on sunset review; amending RCW 43.131.120 and 43.06.010; and repealing RCW 43.131.115, 43.131.118, 43.136.060, and 43.136.070.

Referred to Committee on Governmental Operations.

SB 6278 by Senator Bender

AN ACT Relating to common school construction; amending section 316, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 708, chapter 12, Laws of 1989 1st ex. sess. (uncodified); adding new sections to Title 28A RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 6279 by Senators Bender and Rasmussen

AN ACT Relating to highway speed limits; amending RCW 46.61.400; and providing an effective date.

Referred to Committee on Transportation.

SB 6280 by Senators Bender, Murray, Niemi, Rinehart, Wojahn, Lee and Sutherland

AN ACT Relating to current use valuation of open space land; amending RCW 84.34-.037 and 84.34.108; and adding a new section to chapter 84.34 RCW.

Referred to Committee on Ways and Means.

SB 6281 by Senators Thorsness, Stratton, Metcalf, Owen, Bauer, Amondson, Rasmussen, Craswell, Saling, Lee, Bailey, Newhouse, Hayner, Sellar, Bluechel, Johnson, Benitz, Barr, McCaslin, West, Warnke, Smith, von Reichbauer, Sutherland and Vogniid

AN ACT Relating to registration of sexual offenders; adding a new section to chapter 9A.44 RCW; adding a new section to chapter 43.43 RCW; adding a new section to chapter

72.09 RCW; adding a new section to chapter 70.48 RCW; adding a new section to chapter 46.20 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6282 by Senators Thorsness, Stratton, Metcalf, Owen, Amondson, Smith, Nelson, Rasmussen, Saling, Lee, Bailey, Johnson, Sellar, Benitz, West, Warnke, Bauer and Sutherland

AN ACT Relating to sentencing sexual offenders; amending RCW 9.94A.120; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6283 by Senators Thorsness, Stratton, Metcalf, Owen, Bauer, Amondson, Smith, Nelson, Saling, McCaslin, Rasmussen, Lee, Bailey, Johnson, Benitz, Barr, West and Warnke

AN ACT Relating to treatment of sex offenders; reenacting and amending RCW 18.130.040; adding a new chapter to Title 18 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 6284 by Senators Thorsness, Stratton, Metcalf, Bauer, Nelson, Smith, Bluechel, Saling, Owen, Lee, McCaslin, Rasmussen, Bailey, Hayner, Johnson, Benitz, West and Warnke

AN ACT Relating to juvenile sexual offenders; and creating new sections.

Referred to Committee on Law and Justice.

SB 6285 by Senators Thorsness, Stratton, Metcalf, Smith, Amondson, Owen, Craswell, Rasmussen, Nelson, Lee, McCaslin, Saling, Bailey, Hayner, Johnson, Benitz, Barr, West and Vognild

AN ACT Relating to juvenile offender records; and amending RCW 13.50.050.

Referred to Committee on Law and Justice.

SB 6286 by Senators Thorsness, Stratton, Metcalf, Owen, Amondson, Rasmussen, Craswell, Saling, Lee, McCaslin, Bailey, Hayner, Anderson, Johnson, Benitz, Smitherman, West, Warnke and Bauer

AN ACT Relating to periodic postrelease follow-up of offenders; amending RCW 9.94A.383 and 9.94A.120; adding a new section to chapter 9.94A RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6287 by Senators Thorsness, Stratton, Metcalf, Owen, Amondson, Smith, Craswell, Newhouse, Nelson, McCaslin, Saling, Rasmussen, Lee, Bailey, Johnson, Bluechel, Hayner, Anderson, Benitz, West, Warnke and Bauer

AN ACT Relating to registration of sexual offenders; adding a new section to chapter 43.43 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6288 by Senators Metcalf, Owen, Thorsness, Smith, Nelson, Patrick, Lee, Hayner, Rasmussen, Anderson, Johnson, Bluechel and Benitz

AN ACT Relating to the taxation of adult entertainment materials and services; amending RCW 82.08.020, 82.08.010, 82.12.020, 82.12.0252, 82.12.035, 82.12.040, 82.12.060, and 82.14.020; reenacting and amending RCW 82.12.010; adding a new section to chapter 82.32 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 6289 by Senator Barr (by request of Department of Agriculture)

AN ACT Relating to administrative divisions of the department of agriculture; and amending RCW 43.23.010 and 41.06.084.

Referred to Committee on Agriculture.

SB 6290 by Senators Benitz, Stratton, Williams, Nelson, Bluechel, Metcalf and Owen

AN ACT Relating to telecommunications devices for the hearing impaired and speech impaired; amending RCW 43.20A.720, 43.20A.725, and 43.20A.730; repealing section 7, chapter 304, Laws of 1987 (uncodified); and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 6291 by Senators Hansen, Barr and Rasmussen

AN ACT Relating to control of pests; adding new sections to chapter 17.10 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Agriculture.

SB 6292 by Senators Hansen and Rasmussen

AN ACT Relating to the control of mosquitos; amending RCW 17.28.010; adding new sections to chapter 17.28 RCW; and declaring an emergency.

Referred to Committee on Agriculture.

SB 6293 by Senators Bender, Talmadge and Rasmussen

AN ACT Relating to suicide prevention; adding a new section to chapter 19, Laws of 1989 1st ex. sess. (uncodified); making an appropriation; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 6294 by Senators Saling, Bauer, von Reichbauer, Stratton, Rinehart, Smitherman, Bailey, Cantu, Bender, Warnke and Johnson

AN ACT Relating to the local master's degree teacher training program; creating a new section; and making an appropriation.

Referred to Committee on Higher Education.

SB 6295 by Senators Matson, Vognild, Newhouse, Warnke, Barr, Hansen, Lee, Patrick, Nelson, McMullen, Saling, Anderson, West, Bauer, Johnson and Sutherland

AN ACT Relating to business relationships between manufacturers and distributors of agriculture equipment and independent retail dealers; adding new sections to chapter 19.98 RCW; and providing an effective date.

Referred to Committee on Economic Development and Labor.

SB 6296 by Senators Vognild, Patterson, Nelson, Warnke, Bender, Bauer, Murray, Hansen, Rasmussen, Smitherman, Niemi, Smith, von Reichbauer and Sutherland

AN ACT Relating to the transfer of license plates from a destroyed vehicle; and amending RCW 46.12.070 and 46.16.088.

Referred to Committee on Transportation.

SB 6297 by Senator Smitherman

AN ACT Relating to armed police forces at institutions of higher education; amending RCW 28B.10.550, 28B.10.555, 43.101.200, 28B.10.560, and 28B.10.567; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

SB 6298 by Senators West, Wojahn, Kreidler and Johnson

AN ACT Relating to the uniform disciplinary act; and amending RCW: 18.130.070.

Referred to Committee on Health and Long-Term Care.

SB 6299 by Senators Rasmussen and Barr

AN ACT Relating to the governor's appointees to boards and commissions; and adding a new section to chapter 43.03 RCW.

Referred to Committee on Governmental Operations.

SB 6300 by Senator Rasmussen

AN ACT Relating to first cousin marriages; and amending RCW 26.04.020.

Referred to Committee on Law and Justice.

SB 6301 by Senator Rasmussen

AN ACT Relating to public disclosure; and reenacting and amending RCW 42.17.310.

Referred to Committee on Governmental Operations.

SB 6302 by Senators Bender, Thorsness, Murray and Talmadge

AN ACT Relating to edgestripping along certain roadways; adding a new section to chapter 47.36 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 6303 by Senators von Reichbauer, Bender, Thorsness, Murray and Talmadge

AN ACT Relating to pedestrians; and amending RCW 46.04.400, 46.61.055, 46.61.060, 46.61.235, 46.61.240, 46.61.250, and 46.61.266.

Referred to Committee on Transportation.

SB 6304 by Senators Saling, Bauer, McDonald, Stratton, Bailey, von Reichbauer, Lee, Johnson, McCaslin, Benitz, Thorsness and Amondson

AN ACT Relating to sick leave records; and amending RCW 41.04.340.

Referred to Committee on Higher Education.

SB 6305 by Senators Saling, Vognild, Bauer, Stratton, Smitherman, Warnke, von Reichbauer and Moore

AN ACT Relating to higher education fees; and amending RCW 28B.15.380, 28B.15.520, and 28B.35.361.

Referred to Committee on Higher Education.

SB 6306 by Senators Saling, McDonald, Stratton, Bailey, McCaslin, Benitz, Thorsness, Barr and Amondson

AN ACT Relating to tenure modification at community colleges; amending RCW 28B.50.851, 28B.50.852, 28B.50.856, 28B.50.857, 28B.50.861, 28B.50.863, and 28B.50.873; adding new sections to chapter 28B.50 RCW; creating a new section; and providing an effective date.

Referred to Committee on Higher Education.

SB 6307 by Senators Saling and West

AN ACT Relating to employment agencies; and amending RCW 19.31.020 and 19.31.245.

Referred to Committee on Economic Development and Labor.

SB 6308 by Senators Saling, Warnke, West, Moore and Rinehart

AN ACT Relating to motor vehicle warranties; and amending RCW 19.118.021 and 19.118.041.

Referred to Committee on Economic Development and Labor.

SB 6309 by Senators Saling, Anderson, Lee, Johnson, Thorsness, Sellar, McCaslin, Benitz, Metcalf, Craswell and Barr

AN ACT Relating to the mandatory castration of sex offenders; adding a new section to chapter 9.94A RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 6310 by Senators Metcalf, Owen, DeJarnatt, McMullen, Smith, Amondson, Anderson, Warnke, Thorsness, von Reichbauer and Rasmussen (by request of Department of Fisheries)

AN ACT Relating to providing financial assistance to regional fisheries enhancement groups; adding new sections to chapter 75.50 RCW; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SB 6311 by Senators West, Kreidler, Warnke, Moore and Rasmussen (by request of Department of Social and Health Services)

AN ACT Relating to patient trust funds in nursing facilities; amending RCW 74.46.700, 74.46.710, 74.46.720, 18.52A.030, 43.190.020, 74.08.044, 74.09.250, 74.09.260, 74.09.510, and 74.09.700; reenacting and amending RCW 74.09.520; and providing an effective date.

Referred to Committee on Health and Long-Term Care.

SB 6312 by Senators West, Kreidler and Rasmussen (by request of Department of Social and Health Services)

AN ACT Relating to clarification of existing laws regarding chemical dependency; amending RCW 70.96A.150, 70.96A.140, and 74.09.____; reenacting and amending RCW 70.96A.020; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 6313 by Senators Bailey, Madsen, Metcalf, Williams and Lee (by request of Superintendent of Public Instruction)

AN ACT Relating to a dedicated revenue source for financing public school and higher education construction; amending RCW 82.08.0293 and 82.12.0293; adding a new section to chapter 82.32 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6314 by Senators Metcalf, Owen and Rasmussen (by request of Department of Ecology)

AN ACT Relating to containment of waste materials; and amending RCW 70.93.060.

Referred to Committee on Environment and Natural Resources.

SB 6315 by Senators Lee, Talmadge and Smitherman

AN ACT Relating to grants or loans for waste disposal facilities; and amending RCW 43.99F.040.

Referred to Committee on Environment and Natural Resources.

SB 6316 by Senators Kreidler, Murray, Warnke, Talmadge, Bauer and Niemi

AN ACT Relating to early intervention services for infants and toddlers with disabilities and their families; adding a new chapter to Title 70 RCW; making an appropriation; and providing an effective date.

Referred to Committee on Children and Family Services.

SB 6317 by Senators Madsen, Warnke, Barr, Sutherland, Vognild, Gaspard and Rasmussen

AN ACT Relating to crimes committed while armed with a firearm; reenacting and amending RCW 9.94A.310; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6318 by Senators Madsen, Nelson, Warnke, Bauer, McMullen, Sutherland, Vognild, Moore and Rasmussen

AN ACT Relating to crimes committed while armed with a firearm; amending RCW 9.94A.450; reenacting and amending RCW 9.94A.310; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6319 by Senators Madsen, Warnke, Sutherland and Vognild

AN ACT Relating to increasing stolen property values for determining degree of theft; amending RCW 9A.56.010, 9A.56.030, 9A.56.040, 9A.56.050, 9A.56.060, 9A.56.150, 9A.56.160, and 9A.56.170; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6320 by Senators Madsen, Thorsness and Gaspard

AN ACT Relating to creating immunity for volunteers rendering public service for nonprofit organizations; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Law and Justice.

SB 6321 by Senators Madsen and Bauer

AN ACT Relating to rural mailboxes; and amending RCW 9A.48.080.

Referred to Committee on Law and Justice.

SB 6322 by Senator Madsen

AN ACT Relating to services performed by nonresident aliens; amending RCW 50.04-.205; adding a new section to chapter 50.04 RCW; and creating a new section.

Referred to Committee on Economic Development and Labor.

SB 6323 by Senator Gaspard

AN ACT Relating to wrongful death; and amending RCW 4.20.046, 43.20B.415, and 43.20B.445.

Referred to Committee on Law and Justice.

SB 6324 by Senator Bender

AN ACT Relating to vehicle right of way; and amending RCW 46.61.205.

Referred to Committee on Transportation.

SB 6325 by Senators Lee, Williams and Smitherman

AN ACT Relating to the industrial competitiveness program; adding new sections to chapter 43.31 RCW; creating a new section; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 6326 by Senator Owen

AN ACT Relating to Puget Sound water quality; adding new sections to Title 28B RCW; creating a new section; and making appropriations.

Referred to Committee on Environment and Natural Resources.

SB 6327 by Senators McCaslin, Sutherland, Saling and Thorsness (by request of Washington State Patrol)

AN ACT Relating to exempt positions within the Washington state patrol; and adding a new section to chapter 41.06 RCW.

Referred to Committee on Governmental Operations.

SB 6328 by Senators McCaslin and Sutherland

AN ACT Relating to reporting accounts receivable to credit reporting agencies; and amending RCW 43.88.175.

Referred to Committee on Governmental Operations.

SB 6329 by Senators Newhouse and Gaspard

AN ACT Relating to business and occupation taxation of travel charter and tour operators; and amending RCW 82.04.260.

Referred to Committee on Ways and Means.

SB 6330 by Senators Benitz and Rasmussen (by request of Attorney General)

AN ACT Relating to consumer protection; and amending RCW 19.86.110.

Referred to Committee on Energy and Utilities.

SB 6331 by Senators Metcalf, Bauer and Bailey

AN ACT Relating to education; and creating new sections.

Referred to Committee on Education.

SJM 8017 by Senators DeJarnatt, Smith, Sutherland, Bauer, Newhouse, Sellar, Hayner, Benitz, Hansen and Barr

Resolving to commemorate the 200th anniversary of the discovery of the Columbia river.

Referred to Committee on Environment and Natural Resources.

SJR 8228 by Senators Rasmussen and West

Ratifying an amendment to the United States Constitution on congressional pay raises.

Referred to Committee on Governmental Operations.

SJR 8229 by Senator Rasmussen

Revising the powers of the state auditor.

Referred to Committee on Governmental Operations.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the following guests who were seated on the rostrum: Mr. Eugene Lawson, vice chairman of the United States Export-Import Bank, Ms. Isabelle Lamb and Mr. Kenneth Keach, members of the Small Business Export Assistance Center Board of Directors of Washington.

With permission of the Senate, business was suspended to permit Mr. Lawson to address the Senate.

MOTION

Senator Murray moved that the following resolution be adopted:

SENATE RESOLUTION 1990-8723

by Senator Murray

WHEREAS, Students Active for the Environment (SAFE) is taking an active role in preserving the natural resources of the state of Washington by promoting recycling programs in the Shoreline School District; and

WHEREAS, The efforts of SAFE have led to a reduction in the use of styrofoam in the Shoreline School District; and

WHEREAS, The members of SAFE demonstrate that many of our young people are socially concerned and willing to follow through on their commitment to society; and

WHEREAS, These students of SAFE have shown an interest in improving our community and state through the political process by working to create additional markets for recycling; and

WHEREAS, The students of SAFE have dedicated their time to meeting before and after school; and

WHEREAS, SAFE seeks to be a part of the recycling effort for the Goodwill Games; and

WHEREAS, The state of Washington enjoys some of the finest natural resources in the nation; and

WHEREAS, SAFE has made the commitment to retain Washington State's natural beauty and environment;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes this group's contribution to the state with this resolution.

POINT OF INQUIRY

Senator Rasmussen: "This is a very worthwhile effort and I am very much for that, but could you tell me--it says they discontinued the use of styrofoam. What are they using now? Are they going back to dishwashing and crockery?"

Senator Murray: "Some of that and fiberboard."

Senator Rasmussen: "What?"

Senator Murray: "They are washing some and using fiberboard products for the trays."

Senator Rasmussen: "I don't know what that is."

Senator Murray: "You can ask the students. They probably know more than I do."

The President declared the question before the Senate to be the adoption of Senate Resolution 1990-8723.

The motion by Senator Murray carried and Senate Resolution 1990-8723 was adopted.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the Students Active for the Environment from the Shoreline School District who were seated in the gallery.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4426.

HOUSE CONCURRENT RESOLUTION NO. 4427.

INTRODUCTION OF SPECIAL GUEST

The President announced the presence in the Senate Chamber of Queen Inge Marie Schenck, representing the 1989/90 Capital Laketair, and asked Senator Kreidler to escort the honored guest to the rostrum. The President introduced the Capital Laketair Queen.

With permission of the Senate, business was suspended to permit Queen Inge to welcome the Senators to Olympia.

The honored guest was escorted from the Senate Chamber by Senator Kreidler.

MOTION

At 10:35 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m. Friday, January 12, 1990.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 12, 1990

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, Fleming, McMullen, Owen and Smitherman. On motion of Senator Bender, Senators Fleming and Owen were excused. On motion of Senator Smith, Senator Anderson was excused.

The Sergeant at Arms Color Guard, consisting of Pages Veronica Emery and Megan O'Connor, presented the Colors. Reverend Ronald W. Hastie, pastor of the Evergreen Christian Center of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 11, 1990

ESB 5328 Prime Sponsor, Senator Bluechel: Revising provisions for the community economic revitalization board. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5328 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Murray, Saling, Smitherman, Williams.

Referred to Committee on Rules for second reading.

January 10, 1990

ESSB 5516 Prime Sponsor, Committee on Health Care and Corrections: Regarding the disabilities land trust. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Second Substitute Senate Bill No. 5516 be substituted therefor, and the second substitute bill do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Johnson, Kreidler, Niemi, Wojahn.

Referred to Committee on Rules for second reading.

January 11, 1990

ESSB 5872 Prime Sponsor, Committee on Ways and Means: Establishing a rural affairs revitalization committee and undertaking rural development projects. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Second Substitute Senate Bill No. 5872 be substituted therefor, and the second substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Saling, Smitherman, Williams.

Referred to Committee on Rules for second reading.

January 10, 1990

SB 6190 Prime Sponsor, Senator West: Providing for the prevention of head injuries. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6190 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; Johnson, Kreidler, Niemi, Wojahn.

Referred to Committee on Rules for second reading.

January 11, 1990

SB 6200 Prime Sponsor, Senator Smitherman: Extending the final report date and expiration date of the task force on ports and local associate development organizations. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Murray, Saling, Smitherman, West, Williams.

Referred to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 11, 1990

GA 9145 GREGORY P. BARLOW, appointed September 1, 1989, for a term ending at the Governor's pleasure, as Adjutant General of the Military Department.
Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman, DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules.

January 11, 1990

GA 9149 RICHARD CASAD, reappointed October 10, 1989, for a term ending January 1, 1995, as a member of the Utilities and Transportation Commission.
Reported by Committee on Energy and Utilities

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Benitz, Chairman; Nelson, Patrick, Stratton, Sutherland, Williams.

Passed to Committee on Rules.

January 8, 1990

GA 9177 GRACE LYNCH, reappointed September 28, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Bauer, Cantu, Smitherman, Stratton.

Passed to Committee on Rules.

January 8, 1990

GA 9197 VIRGINIA SPREngle, reappointed September 28, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Everett Community College District No. 5.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Bauer, Cantu, Smitherman, Stratton.

Passed to Committee on Rules.

January 8, 1990

GA 9202 GRAHAM TOLLEFSON, reappointed September 28, 1989, for a term ending September 30, 1995, as a member of the Board of Trustees for Central Washington University.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Bauer, Cantu, Smitherman, Stratton.

Passed to Committee on Rules.

January 8, 1990

GA 9205 HAL T. WOLFE, reappointed September 28, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Bauer, Cantu, Smitherman, Stratton.

Passed to Committee on Rules.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
General Administration Building
Olympia, Washington 98504

January 8, 1990

Mr. Gordon Golob
Secretary of the Senate
Washington State Senate
Olympia, Washington 98504
Dear Mr. Golob:

In 1989, the Washington State Legislature enacted ESHB 1671, the "Waste Not Washington" Act. The landmark legislation created a comprehensive solid waste management program which indicated waste reduction and recycling as preferred strategies while recognizing the importance of strong markets for recyclables.

ESHB 1671 has helped to make Washington State a national leader in solid waste management with a recycling rate of 29 percent. While there is much to be proud of, there is also much to be done. Cities and counties around the country are now pursuing recycling strategies, and are inundating existing markets with their materials. Market development for these materials must proceed aggressively if the state of Washington is to have a successful recycling program.

The Committee for Recycling Markets, established by the legislation, has been meeting since August of 1989. The committee represents the spectrum of private and public interests involved in the issue and is responsible for developing recommendations to achieve improved markets for recyclables.

In accordance with Sections 101 and 102 of ESHB 1671, the Washington Committee for Recycling Markets herewith submits its Preliminary Report to the Legislature. The Appendix to this preliminary report will be sent under separate cover. A final report will be submitted to the Legislature on November 30, 1990.

The Committee for Recycling Markets will continue its work in the coming year in an ongoing effort to meet its challenge.

Sincerely,
DON KNEASS, Chairman
Washington Committee for Recycling Markets

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504

January 5, 1990

Mr. Gordon A. Golob
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504
Dear Secretary Golob:

Enclosed is our Report to the Legislature on Mental Health Human Resources, as required by Chapter 205, Laws of 1989.

If you have any questions about this report, please contact me.

Sincerely,
RICHARD J. THOMPSON
Secretary

The Select Committee Report is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE HOUSE

January 10, 1990

Mr. President:

The House has passed:

HOUSE BILL NO. 1035,

SUBSTITUTE HOUSE BILL NO. 1264,

HOUSE BILL NO. 1307,

HOUSE BILL NO. 1323,

HOUSE BILL NO. 1328,

ENGROSSED HOUSE BILL NO. 1343,

REENGROSSED HOUSE BILL NO. 1433,

HOUSE BILL NO. 1505,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1557,

ENGROSSED HOUSE BILL NO. 1623,

ENGROSSED HOUSE BILL NO. 1646,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2198, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Ways and Means was relieved of further consideration of Substitute Senate Bill No. 5007, Substitute Senate Bill No. 5104, Senate Bill No. 5120, Substitute Senate Bill No. 5240, Senate Bill No. 5365, Senate Bill No. 5544, Senate Bill No. 5764, Senate Bill No. 5870 and Substitute Senate Bill No. 5902.

On motion of Senator Newhouse, Substitute Senate Bill No. 5007, Substitute Senate Bill No. 5104, Senate Bill No. 5120, Substitute Senate Bill No. 5240, Senate Bill No. 5365, Senate Bill No. 5544, Senate Bill No. 5764, Senate Bill No. 5870 and Substitute Senate Bill No. 5902 were referred to the Committee on Economic Development and Labor.

On motion of Senator Newhouse, the Committee on Energy and Utilities was relieved of further consideration of Senate Bill No. 6258.

On motion of Senator Newhouse, Senate Bill No. 6258 was referred to the Committee on Law and Justice.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 6268.

On motion of Senator Newhouse, Senate Bill No. 6268 was referred to the Committee on Environment and Natural Resources.

INTRODUCTION AND FIRST READING

SB 6332 by Senators Craswell, Owen, Thorsness, Metcalf, Smitherman, Barr, McCaslin, Newhouse, Benitz, Johnson, Anderson, Saling and Hayner

AN ACT Relating to the voluntary castration of sex offenders; adding a new section to chapter 9.94A RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 6333 by Senators Metcalf, Talmadge, von Reichbauer, Rasmussen and Barr (by request of Department of Ecology)

AN ACT Relating to the management and regulation of infectious waste; amending RCW 43.21B.300, 43.21B.310, 70.105.010, and 82.18.020; adding a new chapter to Title 70 RCW; adding a new section to chapter 70.105 RCW; adding new sections to chapter 81.77 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 6334 by Senator Metcalf

AN ACT Relating to public lands; and amending RCW 79.01.384.

Referred to Committee on Environment and Natural Resources.

SB 6335 by Senators Metcalf, Sutherland, Smith and Kreidler

AN ACT Relating to commercial vessels; and amending RCW 88.02.095.

Referred to Committee on Environment and Natural Resources.

SB 6336 by Senators Metcalf and Rasmussen

AN ACT Relating to the seizure and forfeiture of wildlife and personal property for wildlife offenses; adding a new section to chapter 77.12 RCW; and adding a new section to chapter 77.21 RCW.

Referred to Environment and Natural Resources.

SB 6337 by Senators Benitz, Bailey, Rinehart, Gaspard, Madsen, Owen, Anderson, von Reichbauer, Moore, Metcalf, Sutherland, Craswell, Murray, Newhouse, Bauer, McMullen, Vognild, Warnke, Johnson, Barr, Saling, Kreidler, Bender, Fleming, Talmadge, Conner and Lee

AN ACT Relating to technological and vocational education; amending RCW 28A-.67.115 and 28B.80.350; adding a new chapter to Title 28A RCW; adding new sections to Title 28A RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28B.80 RCW; creating new sections; making appropriations; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

SB 6338 by Senators Murray, Talmadge, Rinehart, Kreidler, Sutherland and Bender

AN ACT Relating to requiring newspapers printed or published in this state to be printed on recycled paper; amending RCW 70.95.030; adding new sections to chapter 70.95 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 6339 by Senators Murray and Kreidler

AN ACT Relating to pesticide warnings for residential property; and adding a new section to chapter 17.21 RCW.

Referred to Committee on Agriculture.

SB 6340 by Senator Murray

AN ACT Relating to supply management; amending RCW 43.19.1904, 43.19.1905, 43.19.538, and 70.95C.110; adding a new section to Title 28B RCW; adding new sections to chapter 43.19 RCW; adding a new section to Title 44 RCW; and repealing RCW 43.19.537 and 43.19.538.

Referred to Committee on Governmental Operations.

SB 6341 by Senators Murray, Talmadge, Kreidler, Bender and Wojahn

AN ACT Relating to access to firearms by minors; adding new sections to chapter 9A.41 RCW; adding a new section to chapter 9A.36 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6342 by Senators Murray, Metcalf, Kreidler and Sutherland

AN ACT Relating to consumer protection; adding a new chapter to Title 69 RCW; repealing RCW 69.04.315; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 6343 by Senators Murray, Warnke, Lee, Bender, Vognild and von Reichbauer

AN ACT Relating to leasing mobile home lots; and amending RCW 59.20.050, 59.20.060, and 59.20.090.

Referred to Committee on Economic Development and Labor.

SB 6344 by Senators Niemi, Bailey, West, Vognild, McMullen, Wojahn and Smith

AN ACT Relating to regional support networks; and amending RCW 71.24.035.

Referred to Committee on Health and Long-Term Care.

SB 6345 by Senators Niemi, West, Wojahn, Smith, Bauer, Bender and Kreidler

AN ACT Relating to health care for foster children; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6346 by Senators Niemi, West, Wojahn, Bender and Bailey

AN ACT Relating to purchase of firearms by dangerous mentally ill persons; amending RCW 71.24.035; and reenacting and amending RCW 9.41.070.

Referred to Committee on Law and Justice.

SB 6347 by Senators Nelson, Thorsness, Patterson, Madsen, Patrick, Hansen and Johnson

AN ACT Relating to motor vehicle wreckers; amending RCW 46.80.010, 46.80.030, 46.80.040, 46.80.050, 46.80.080, 46.80.090, 46.80.110, 46.80.130, and 46.80.150; and repealing RCW 46.80.060, 46.80.070, and 46.80.100.

Referred to Committee on Transportation.

SB 6348 by Senators Madsen, Patrick, Bender and Patterson

AN ACT Relating to temporary-use spare tires; and amending RCW 46.37.420 and 46.61.455.

Referred to Committee on Transportation.

SB 6349 by Senators Newhouse, Rasmussen, Smith, Bender and Patrick

AN ACT Relating to long-term care services; and amending section 207, chapter 19, Laws of 1989 1st ex. sess. (uncodified).

Referred to Committee on Health and Long-Term Care.

SB 6350 by Senators Smith and Hayner

AN ACT Relating to the taxation of sales to nonresident corporations; and amending RCW 82.08.0273.

Referred to Committee on Law and Justice.

SB 6351 by Senators Talmadge, Nelson, Rinehart and Newhouse

AN ACT Relating to domestic violence; amending RCW 26.50.030, 26.50.035, 26.50.050, 26.50.070, and 70.123.090; reenacting and amending RCW 9.41.070; adding new sections to chapter 10.99 RCW; adding a new section to chapter 43.43 RCW; making appropriations; and providing an expiration date.

Referred to Committee on Law and Justice.

SB 6352 by Senators Bailey, Gaspard, Rinehart, Bender, Williams, Murray, Anderson, Conner, von Reichbauer, Lee and Bauer (by request of Superintendent of Public Instruction)

AN ACT Relating to prevention and intervention services for elementary students; adding new sections to Title 28A RCW; creating new sections; and making appropriations.

Referred to Committee on Education.

SB 6353 by Senators Barr and Hansen (by request of Department of Agriculture)

AN ACT Relating to the horticultural pest and disease board; and amending RCW 15.09.080.

Referred to Committee on Agriculture.

SB 6354 by Senator Barr (by request of Department of Agriculture)

AM ACT Relating to apple grades; and amending RCW 15.17.100.

Referred to Committee on Agriculture.

SB 6355 by Senators Bailey, Saling and Rinehart

AN ACT Relating to public lands; amending RCW 43.84.090 and 43.79.330; and adding a new section to chapter 43.84 RCW.

Referred to Committee on Ways and Means.

SB 6356 by Senators West and Kreidler (by request of Health Care Authority)

AN ACT Relating to the health care authority; amending RCW 41.04.205, 41.05.011, 41.05.021, 41.05.031, and 41.05.090; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6357 by Senators Rasmussen, Johnson, Conner and Saling

AN ACT Relating to exemption from execution; and adding a new section to chapter 6.17 RCW.

Referred to Committee on Law and Justice.

SB 6358 by Senators Patterson, Bender, Thorsness, Patrick and Nelson (by request of Governor Gardner)

AN ACT Relating to transportation taxes; amending RCW 82.36.025, 46.68.090, 82.36.030, 82.38.150, 36.79.140, 82.36.440, 82.38.280, 46.16.070, 46.68.035, 46.44.0941, 46.44.095, 46.68.030, 46.16.030, 46.87.020, 46.87.070, 46.87.120, 46.87.140, 46.08.010, 82.44.010, 82.44.020, 82.44.060, 82.44.110, 82.44.120, 82.44.150, 82.44.160, 82.44.170, 82.14.200, 82.14.210, 35.58.2721, 35.58.273, 43.62.010, 46.16.015, 82.50.400, 82.50.410, 82.50.510, 46.12.360, 47.56.711, 47.60.160, 47.60.326, 47.60.420, and 47.60.440; reenacting and amending RCW 82.02.030 and 47.60.150; adding a new section to chapter 46.68 RCW; adding a new section to chapter 47.60 RCW; adding new sections to chapter 82.44 RCW; adding new sections to chapter 82.50 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 82.44.013, 82.44.040, 82.44.045, 82.44.050, 82.50.420, 82.50.430, 47.56.712, 47.56.713, 47.56.714, 47.56.715, 47.56.716, 47.56.365, and 47.60.543; providing effective dates; and declaring an emergency.

Referred to Committee on Transportation.

SB 6359 by Senators Nelson, Madsen, Patrick, Sellar, Patterson and Thorsness (by request of Governor Gardner)

AN ACT Relating to drivers' licenses; amending RCW 46.04.580, 46.20.308, 46.20.311, 46.20.380, 46.20.391, 46.61.515, and 46.68.060; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.20 RCW; creating new sections; repealing RCW 46.20.599; prescribing penalties; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6360 by Senator Thorsness

AN ACT Relating to the Model Traffic Ordinance; amending RCW 46.90.300, 46.90.300, and 46.90.406; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 6361 by Senators Rasmussen, Patterson and Conner

AN ACT Relating to renaming state route number 90 the American Veterans Memorial Highway; amending RCW 47.17.140; and creating a new section.

Referred to Committee on Transportation.

SB 6362 by Senators Hansen, Patterson, Madsen, Nelson and Benitz

AN ACT Relating to certificates of ownership for snowmobiles; and adding a new section to chapter 46.12 RCW.

Referred to Committee on Transportation.

SB 6363 by Senators Patrick, Warnke, Metcalf, Thorsness and Johnson

AN ACT Relating to sludge; amending RCW 4.22.070 and 70.95.255; adding a new section to chapter 4.16 RCW; adding a new section to chapter 9A.48 RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 90.48 RCW; adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 6364 by Senators Fleming, Lee, Warnke, Smitherman and Murray

AN ACT Relating to relocation assistance for residential tenants; amending RCW 82.02.020; adding a new chapter to Title 59 RCW; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 6365 by Senators Lee, Warnke, Smitherman, Newhouse, Vognild and Murray

AN ACT Relating to privacy of collective bargaining sessions; and amending RCW 42.30.140.

Referred to Committee on Governmental Operations.

SB 6366 by Senators Warnke, Matson, Smitherman and Vognild

AN ACT Relating to fire protection sprinkler systems; adding a new chapter to Title 18 RCW; creating a new section; and providing an effective date.

Referred to Committee on Economic Development and Labor.

SB 6367 by Senators Lee, Warnke, Smitherman, Vognild, Murray and Moore

AN ACT Relating to right of first refusal to purchase federally assisted housing developments; adding a new chapter to Title 59 RCW; and prescribing penalties.

Referred to Committee on Economic Development and Labor.

SB 6368 by Senators Newhouse, Kreidler, Anderson, Benitz, Vognild, Sellar, Smith, Warnke, Bailey, Stratton, Lee, Wojahn, Sutherland and Johnson

AN ACT Relating to continuity of nursing care in nursing homes; and amending RCW 74.46.481.

Referred to Committee on Ways and Means.

SB 6369 by Senators Madsen, Amondson, Murray, Metcalf, Bauer and Bailey

AN ACT Relating to penalties for littering; and amending RCW 70.93.060 and 70.93.070.

Referred to Committee on Environment and Natural Resources.

SB 6370 by Senators von Reichbauer, DeJarnatt, Patrick, McCaslin and Thorsness

AN ACT Relating to city or town name changes; amending RCW 35.62.050; adding a new section to chapter 35.62 RCW; and repealing RCW 35.62.020, 35.62.030, and 35.62.040.

Referred to Committee on Governmental Operations.

SB 6371 by Senators von Reichbauer, Moore, Johnson, McMullen, West, McCaslin, Rasmussen, Sellar, Niemi and Conner

AN ACT Relating to financial institutions and administration of securities laws; amending RCW 21.20.005, 21.20.450, 21.20.720, 30.12.190, 31.12.005, 43.17.010, 43.17.020, 43.19.010, 43.19.020, 43.19.040, 43.19.095, 43.19.100, 43.19.110, 43.19.112, 43.24.020, 43.24.024, 46.01.011, 46.01.050, 43.07.030, 43.07.120, 43.07.130, 43.07.140, 43.07.170, 43.07.180, and 43.07.190; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 43.07.170, 43.07.180, 43.19.020, 43.19.030, 43.19.040, 43.19.050, 43.19.090, 43.19.095, 43.19.100, 43.19.110, and 43.19.112; and providing an effective date.

Referred to Committee on Financial Institutions and Insurance.

SB 6372 by Senators Moore, Rasmussen, von Reichbauer, Smitherman, Murray, Williams, Warnke, Bauer, Wojahn and Lee

AN ACT Relating to property tax billings; and amending RCW 84.56.020.

Referred to Committee on Governmental Operations.

SB 6373 by Senators Moore, Johnson, Conner and Talmadge

AN ACT Relating to requiring dead bolt locks for rented and leased residences; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Economic Development and Labor.

SB 6374 by Senator Moore

AN ACT Relating to insurance coverage of dialysis medications; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 6375 by Senator Moore

AN ACT Relating to prescription medicine insurance coverage; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 41.05 RCW; and creating a new section.

Referred to Committee on Financial Institutions and Insurance.

SB 6376 by Senators Metcalf, Benitz, Stratton and Rasmussen

AN ACT Relating to grandparents' visitation of adopted children; and amending RCW 26.33.240 and 26.33.260.

Referred to Committee on Law and Justice.

SB 6377 by Senators Metcalf, DeJarnatt, Vognild and Kreidler

AN ACT Relating to violations of Title 75 RCW; amending RCW 75.10.030, 75.10.110, 75.10.120, and 75.12.090; adding new sections to chapter 75.10 RCW; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 6378 by Senators Newhouse, Patrick, Bailey, Matson, Conner, Lee and Johnson

AN ACT Relating to the use of local levy assistance funds for school construction purposes; and amending RCW 28A.41.155.

Referred to Committee on Education.

SB 6379 by Senators Vognild, West, Stratton, Saling, Warnke, Madsen and Smith

AN ACT Relating to cemeteries; amending RCW 68.04.040; adding a new chapter to Title 68 RCW; recodifying RCW 68.05.420; repealing RCW 68.05.410; and prescribing penalties.

Referred to Committee on Governmental Operations.

SB 6380 by Senators Saling, Williams, Bender, Rasmussen, Nelson, Patrick, Talmadge, Bauer, Moore, Warnke and Conner

AN ACT Relating to retirement allowances for members of the teachers' and public employees' retirement systems; and amending RCW 41.32.575 and 41.40.325.

Referred to Committee on Ways and Means.

SB 6381 by Senators von Reichbauer, Moore, Johnson and Rasmussen (by request of Insurance Commissioner)

AN ACT Relating to insurance; amending RCW 48.04.010, 48.17.110, 48.17.160, 48.17.180, 48.17.450, 48.17.540, 48.21.180, 48.30.140, 48.30.150, 48.30.210, 48.30.230, 48.44.240, and 48.46.350; repealing RCW 48.17.440; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SB 6382 by Senators Murray, Lee, Williams, Rasmussen, Bender and Patrick (by request of Department of Labor and Industries)

AN ACT Relating to penalties for violations of minimum wage laws; amending RCW 49.46.100 and 49.48.020; creating a new section; and prescribing penalties.

Referred to Committee on Economic Development and Labor.

SB 6383 by Senators Anderson, Lee, Smitherman and Rasmussen (by request of Department of Labor and Industries)

AN ACT Relating to the industrial insurance labor-management cooperation program; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Economic Development and Labor.

SB 6384 by Senators Lee, McMullen, Murray, Williams and Smitherman (by request of Department of Labor and Industries)

AN ACT Relating to the allowance and reopening of industrial insurance claims; and adding a new section to chapter 51.32 RCW.

Referred to Committee on Economic Development and Labor.

SB 6385 by Senators Lee, McMullen, Murray, Williams, Anderson and Conner (by request of Department of Labor and Industries)

AN ACT Relating to the investment of industrial insurance funds; and amending RCW 51.44.100.

Referred to Committee on Economic Development and Labor.

SB 6386 by Senators Lee, McMullen, Murray, Williams and Smitherman (by request of Department of Labor and Industries)

AN ACT Relating to maritime occupations; and amending RCW 51.12.100.

Referred to Committee on Economic Development and Labor.

SB 6387 by Senators McMullen, Murray, Williams, Lee, Smitherman and Bauer (by request of Department of Labor and Industries)

AN ACT Relating to industrial insurance death benefits; and amending RCW 51.32.050.

Referred to Committee on Economic Development and Labor.

SB 6388 by Senators von Reichbauer, Moore, Johnson and Rasmussen (by request of Insurance Commissioner)

AN ACT Relating to cancellation of contracts between insurers and agents; adding a new section to chapter 48.17 RCW; and repealing RCW 48.17.590.

Referred to Committee on Financial Institutions and Insurance.

SB 6389 by Senators Nelson, Talmadge and Newhouse

AN ACT Relating to revising the Washington business corporations act; amending RCW 23B.01.220, 23B.01.410, 23B.01.510, 23B.01.580, 23B.10.030, 23B.14.200, 23B.14.340, 23B.15.010, 23B.15.020, and 23B.15.300; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6390 by Senators Nelson, Talmadge and Newhouse

AN ACT Relating to qualified domestic trusts regarding estate tax marital deductions for gifts to surviving spouses; and amending RCW 11.96.070, 11.108.025, and 11.108.050.

Referred to Committee on Law and Justice.

SB 6391 by Senators Nelson, Talmadge and Newhouse

AN ACT Relating to estate and transfer taxes internal references; and amending RCW 83.100.020 and 11.108.010.

Referred to Committee on Law and Justice.

SB 6392 by Senators Nelson, Talmadge and Newhouse

AN ACT Relating to wills; and amending RCW 11.12.020.

Referred to Committee on Law and Justice.

SB 6393 by Senators Nelson, Talmadge and Newhouse

AN ACT Relating to exempt pension money; amending RCW 6.15.020; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6394 by Senators Nelson, Talmadge and Newhouse

AN ACT Relating to escheat property and small estates; amending RCW 11.08.170 and 11.08.111; and adding a new section to chapter 11.08 RCW.

Referred to Committee on Law and Justice.

SB 6395 by Senators Nelson, Talmadge and Newhouse

AN ACT Relating to the deletion of obsolete inheritance tax references; amending RCW 11.44.066, 11.56.030, 11.56.280, 11.62.020, 11.68.110, and 83.110.030; and repealing RCW 11.86.075 and 11.44.061.

Referred to Committee on Law and Justice.

SB 6396 by Senators Nelson, Talmadge and Newhouse

AN ACT Relating to deeds of trust; and amending RCW 61.24.030 and 61.24.100.

Referred to Committee on Law and Justice.

SB 6397 by Senators Lee, Smitherman and Madsen (by request of Employment Security Department)

AN ACT Relating to employer contributions for unemployment compensation; amending RCW 50.04.205, 50.24.110, 50.29.025, 50.29.070, and 50.44.060; adding a new section to chapter 50.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Economic Development and Labor.

SB 6398 by Senators Hayner, Bailey and Johnson

AN ACT Relating to prevention of head injuries by requiring the wearing of bicycle helmets; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6399 by Senators Barr, Hansen, Bluechel, Warnke, Johnson, Lee and Bailey

AN ACT Relating to employer cooperation with the office of support enforcement; amending RCW 26.23.080 and 26.23.090; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6400 by Senator McCaslin

AN ACT Relating to restored motor vehicle license plates; amending RCW 46.16.310; and repealing RCW 46.16.311 and 46.16.315.

Referred to Committee on Transportation.

SB 6401 by Senators Thorsness, Rasmussen, McCaslin, Amondson, Craswell, McDonald and Smith

AN ACT Relating to sale of products of correctional industries; and amending RCW 72.09.100.

Referred to Committee on Law and Justice.

SB 6402 by Senators West, Niemi and Conner (by request of Department of Health)

AN ACT Relating to the board of pharmacy; amending RCW 18.64A.010, 18.64A.030, 18.64A.050, and 18.64.005; creating a new section; and repealing RCW 43.131.249 and 43.131.250.

Referred to Committee on Health and Long-Term Care.

SB 6403 by Senators West and Niemi (by request of Department of Health)

AN ACT Relating to practical nurses; amending RCW 18.78.005, 18.78.020, 18.78.030, 18.78.040, 18.78.050, 18.78.055, 18.78.060, 18.78.080, and 18.78.100; reenacting and amending RCW 18.78.090; and repealing RCW 18.78.110.

Referred to Committee on Health and Long-Term Care.

SB 6404 by Senators West and Niemi (by request of Department of Health)

AN ACT Relating to nursing home administration; amending RCW 18.52.020, 18.52.030, 18.52.040, 18.52.050, 18.52.110, 18.52.130, and 18.52.140; adding new sections to chapter 18.52 RCW; and repealing RCW 18.52.060, 18.52.070, 18.52.100, and 18.52.170.

Referred to Committee on Health and Long-Term Care.

SB 6405 by Senators Sellar and Hansen

AN ACT Relating to overtime compensation for employees of motor carriers hauling in interstate commerce; amending RCW 49.46.130; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

SB 6406 by Senators McMullen, Anderson, Madsen and Smitherman

AN ACT Relating to deficit reimbursements for certain county ferries; and amending RCW 47.56.725.

Referred to Committee on Transportation.

SB 6407 by Senators McDonald, Gaspard, Rasmussen and Conner (by request of Governor Gardner)

AN ACT Relating to fiscal matters; amending section 105, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 108, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 110, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 111, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 112, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 115, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 116, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 117, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 120, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 122, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 123, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 125, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 131, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 132, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 136, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 137, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 139, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 140, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 132, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 144, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 146, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 147, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 148, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 149, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 203, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 204, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 214, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 301, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 304, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 306, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 308, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 309, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 313, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 314, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 315, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 317, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 318, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 401, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 402, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 501, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 502, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 503, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 504, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 505, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 506, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 507, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 510, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 511, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 513, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 515, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 516, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 518, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 520, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 521, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 523, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 601, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 602, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 603, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 604, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 605,

chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 606, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 607, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 608, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 610, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 613, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 614, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 618, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 701, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 702, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 712, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 713, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 714, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 715, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 716, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 718, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 402, chapter 271, Laws of 1989 (uncodified); amending section 19, chapter 383, Laws of 1989 (uncodified); adding new sections to chapter 19, Laws of 1989 1st ex. sess. (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6408 by Senators Patterson, Bender, Thorsness, Hansen and Talmadge (by request of Governor Gardner)

AN ACT Relating to transportation appropriations; amending section 4, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 5, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 7, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 9, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 10, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 11, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 12, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 16, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 19, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 24, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 26, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 28, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 29, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 30, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 31, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 32, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 36, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 56, chapter 6, Laws of 1989 1st ex. sess. (uncodified); and amending section 65, chapter 6, Laws of 1989 1st ex. sess. (uncodified); adding a new section to chapter 6, Laws of 1989 1st ex. sess. (uncodified); and declaring an emergency.

Referred to Committee on Transportation.

SB 6409 by Senators Bailey, Rinehart, Saling, Smitherman, Johnson, Rasmussen, Gaspard, Williams, Murray, Talmadge and Kreidler (by request of Governor Gardner)

AN ACT Relating to teachers training teachers; adding new sections to Title 28A RCW; repealing RCW 28A.67.240; and creating new sections.

Referred to Committee on Education.

SB 6410 by Senators Newhouse, Patterson, Vognild, Bender, Gaspard, Matson, Bauer, Williams, Murray, Talmadge, Moore and Niemi (by request of Washington State Patrol)

AN ACT Relating to possession of firearms; and amending RCW 9.41.300.

Referred to Committee on Law and Justice.

SB 6411 by Senators Lee, Smitherman, Warnke, Bender and Rasmussen (by request of Governor Gardner)

AN ACT Relating to investment in human capital; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 6412 by Senators McDonald, Vognild, Bluechel, Nelson, Warnke, Rinehart, Gaspard, Bailey, Lee, Patrick, Bender, McMullen, Talmadge, Murray, Williams, Bauer, DeJarnatt, Stratton, Metcalf, Conner, Madsen and Kreidler (by request of Governor Gardner)

AN ACT Relating to funding for the acquisition and development of land for wildlife conservation and outdoor recreation; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 6413 by Senators McDonald, Gaspard, Bluechel, Bender and Conner (by request of Governor Gardner)

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 43.99H.010, 43.99H.020, and 43.99H.080; reenacting and amending RCW 39.42.060; reenacting RCW 43.83A.020, 43.99E.015, 43.99F.020, and 75.48.020; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6414 by Senators West, Wojahn, Anderson, von Reichbauer, Johnson, Moore, Bailey, Rinehart, Rasmussen, Gaspard, Talmadge, Vognild, Amondson, Smith, Patrick, Warnke, Williams, Murray, McMullen, Niemi, Bauer, Bender and Kreidler (by request of Governor Gardner)

AN ACT Relating to children's health; amending RCW 74.09.010; adding a new section to chapter 43.20 RCW; and adding new sections to chapter 74.09 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6415 by Senators Metcalf, Kreidler, Lee, Patrick and von Reichbauer (by request of Governor Gardner)

AN ACT Relating to the reduction of hazardous substances and waste; amending RCW 70.95C.010, 70.95C.020, 70.95C.030, and 70.95C.040; adding a new section to chapter 70.95 RCW; adding new sections to chapter 70.95C RCW; adding a new chapter to Title 70 RCW; repealing RCW 70.105A.010, 70.105A.020, 70.105A.030, 70.105A.035, 70.105A.040, 70.105A.050, 70.105A.060, 70.105A.070, 70.105A.080, 70.105A.090, 70.105A.900, and 70.105A.905; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 6416 by Senators Bluechel, Vognild, Wojahn, Sellar, Nelson, Johnson, Rasmussen, Gaspard, Matson, Patrick, Warnke, Madsen, Thorsness, Stratton Conner and von Reichbauer (by request of Governor Gardner)

AN ACT Relating to the Puget Sound water quality authority; amending RCW 90.70.005, 90.70.011, 90.70.045, 90.70.055, 90.70.060, 90.70.070, and 90.70.080; adding new sections to chapter 90.70 RCW; repealing RCW 90.70.900; providing an effective date; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 6417 by Senators McDonald, Vognild, Bluechel, Saling, Nelson, Rasmussen, Gaspard, Johnson, Sellar, Bailey and Conner (by request of Governor Gardner)

AN ACT Relating to the capital budget; authorizing certain projects; amending section 2, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 121, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 125, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 282, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 283, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 297, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 407, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 415, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 428, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 459, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 469, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 708, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 710, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 718, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 801, chapter 12, Laws of 1989 1st ex. sess. (uncodified); and amending section 903, chapter 12, Laws of 1989 1st ex. sess. (uncodified); adding new sections to chapter 12, Laws of 1989 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6418 by Senators Barr, Warnke, West, Wojahn, Patterson, Rinehart, Smitherman, Newhouse, Owen, Smith, Amondson, Bauer, DeJarnatt, Williams, Talmadge, Hansen, Conner, Madsen and Kreidler (by request of Governor Gardner)

AN ACT Relating to rural health care; adding a new section to Title 28A RCW; adding a new chapter to Title 48 RCW; adding a new chapter to Title 70 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 6419 by Senators Thorsness, Talmadge, McCaslin, Niemi, Patrick and Moore (by request of Governor Gardner)

AN ACT Relating to the creation of a jail standards incentive board; amending RCW 70.48.020, 70.48.071, 70.48.100, 70.48.440, 72.64.100, 72.64.110, 10.98.010, and 10.98.140; adding new sections to chapter 70.48 RCW; adding a new section to chapter 72.64 RCW; repealing RCW 70.48.061, 70.48.160, and 70.48A.090; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6420 by Senators Newhouse, Gaspard, Anderson, Lee, Vognild, Rasmussen, Matson, Bailey, Thorsness, Amondson, McDonald, Smith, Stratton, Bender, Warnke, Bauer, DeJarnatt, Rinehart, Murray, Talmadge, Hansen, McMullen, Smitherman and Saling (by request of Department of Community Development)

AN ACT Relating to appropriations for projects recommended by the public works board; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6421 by Senators Rinehart, Bender, Thorsness, Rasmussen, McCaslin, DeJarnatt, Moore, Smitherman and Bauer

AN ACT Relating to the veterans affairs advisory committee; and amending RCW 43.60A.080.

Referred to Committee on Governmental Operations.

SB 6422 by Senators Warnke, Rasmussen, Talmadge, Bauer, McMullen and Gaspard

AN ACT Relating to death benefits; amending RCW 41.26.160.

Referred to Committee on Health and Long-Term Care.

SB 6423 by Senators Rinehart, McCaslin and Niemi

AN ACT Relating to the disclosure of residential locations by state agencies; and reenacting and amending RCW 42.17.310.

Referred to Committee on Governmental Operations.

SB 6424 by Senators Talmadge, Rasmussen, Stratton, Gaspard, Bender, Warnke, Vognild, Bauer, Rinehart, Williams and Murray

AN ACT Relating to the long-term care of children; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Children and Family Services.

SB 6425 by Senators Talmadge and Murray

AN ACT Relating to land use planning; adding a new chapter to Title 64 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; creating a new section; and making an appropriation.

Referred to Committee on Governmental Operations.

SB 6426 by Senators Cantu, Bender, Patterson and McDonald

AN ACT Relating to the scenic highway system; and amending RCW 47.39.020.

Referred to Committee on Transportation.

SB 6427 by Senators Warnke, Bender, Murray, Bauer, Talmadge, Moore and Niemi

AN ACT Relating to bicycle safety; amending RCW 46.61.750; adding a new section to chapter 46.61 RCW; and adding a new section to Title 28A RCW.

Referred to Committee on Transportation.

SB 6428 by Senators Talmadge, Rasmussen, Niemi, Bender and Warnke

AN ACT Relating to protecting the stratospheric ozone layer by eliminating unnecessary emissions of ozone-depleting chemicals; adding new sections to chapter 70.94 RCW; creating new sections; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 6429 by Senators Talmadge and Murray

AN ACT Relating to land development charges for public infrastructure facilities; amending RCW 82.02.020; and adding a new chapter to Title 58 RCW.

Referred to Committee on Governmental Operations.

SB 6430 by Senators Talmadge, Kreidler, Lee and Bauer

AN ACT Relating to youth camp safety; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Health and Long-Term Care.

SB 6431 by Senators Talmadge and Rasmussen

AN ACT Relating to walk-through metal detector operators; amending RCW 43.101-.010; and adding a new section to chapter 43.101 RCW.

Referred to Committee on Law and Justice.

SB 6432 by Senators Talmadge, Rasmussen, Gaspard, Bender, Vognild and Murray

AN ACT Relating to consumer protection; amending RCW 19.86.010, 19.86.080, 19.86-.095, 19.86.090, 19.86.100, 19.86.110, 19.86.120, 19.86.140, and 19.86.150; reenacting and amending RCW 43.10.067; adding a new chapter to Title 43 RCW; adding new sections to chapter 19.86 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6433 by Senators von Reichbauer, Smitherman, Matson, Moore, Johnson, Stratton, West, Patrick, Sellar, Saling, McCaslin, Metcalf, Bailey, Craswell, Owen, Sutherland, McMullen, Hansen, Conner, Anderson, Kreidler, Bluechel, Barr, Wojahn, Amondson, Lee, Madsen, Nelson, Gaspard, Newhouse and Bauer

AN ACT Relating to insurance agents, brokers, and solicitors; amending RCW 82.04-.260 and 82.04.320; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 6434 by Senators Bender and Metcalf

AN ACT Relating to bicycle safety; adding a new section to chapter 43.43 RCW; and making an appropriation.

Referred to Committee on Transportation.

SB 6435 by Senators von Reichbauer, Conner and Johnson

AN ACT Relating to military service credit; and amending RCW 41.40.170.

Referred to Committee on Ways and Means.

SB 6436 by Senators Bailey, Kreidler, Metcalf, Barr and Conner

AN ACT Relating to forest practices; amending RCW 76.09.040, 76.09.060, and 76.09-.070; adding new sections to chapter 76.09 RCW; creating new sections; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 6437 by Senators von Reichbauer, Moore and Matson

AN ACT Relating to transactions exempt from securities regulation; and amending RCW 21.20.320.

Referred to Committee on Financial Institutions and Insurance.

SB 6438 by Senators Lee, Bailey and Conner

AN ACT Relating to enrollment of secondary students at community colleges; and adding new sections to Title 28A RCW.

Referred to Committee on Education.

SB 6439 by Senators Talmadge, Bailey, Moore, Rinehart, Murray, Williams, Barr and Bauer (by request of Superintendent of Public Instruction)

AN ACT Relating to education in Pacific Rim languages; adding a new section to Title 28A RCW; adding new sections to chapter 28B.80 RCW; and making an appropriation.

Referred to Committee on Education.

SB 6440 by Senators von Reichbauer, Rasmussen, Matson, Smitherman, Johnson, Stratton, West, Patrick, Sellar, Bauer, Saling, McCaslin, Metcalf, Bailey, Craswell, Moore, Owen, Williams, Sutherland, McMullen, Conner, Kreidler, Lee, Nelson, Amondson, Gaspard, Hansen, Anderson, Barr, Bluechel, Wojahn, Newhouse, Madsen and Hayner

AN ACT Relating to the taxation of insurance agents, brokers, and solicitors; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 6441 by Senators Bailey, Thorsness, Madsen and Rasmussen

AN ACT Relating to notice of inmate release; and amending RCW 9.94A.155.

Referred to Committee on Law and Justice.

SB 6442 by Senators Patrick, Talmadge, Lee, Thorsness, von Reichbauer, Moore, Nelson, Bailey, Bluechel, Johnson, Barr, Patterson, Amondson and Cantu

AN ACT Relating to transportation; adding a new section to chapter 47.68 RCW; adding a new section to chapter 53.08 RCW; adding new chapters to Title 47 RCW; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Transportation.

SB 6443 by Senators Owen, McDonald and Conner

AN ACT Relating to the expenditure of previously appropriated funds for the dredging of Grays Harbor; amending section 204, chapter 12, Laws of 1989 1st ex. sess. (uncodified); and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6444 by Senators Hayner, Lee and DeJarnatt (by request of Governor Gardner)

AN ACT Relating to the improvement of state employee recruitment, retention, and development; amending RCW 41.06.070, 41.06.430, 28B.16.040, 28A.61.070, 28B.16.110, 28B.16.112, 28B.16.116, 36.21.011, 36.21.015, 41.04.020, 41.04.362, 41.04.380, 41.04.395, 41.06.030, 41.06.080, 41.06.280, 41.06.130, 41.06.160, 41.06.163, 41.06.167, 41.06.350, 41.06.400, 41.07.020, 41.07.030, 41.07.900, 41.60.050, 41.64.900, 41.68.030, 41.68.040, 41.68.050, 43.03.028, 43.03.130, 43.105.052, 43.105.080, 43.130.060, 49.74.030, 50.13.060, 84.48.032, 41.06.110, 41.06.120, 41.06.140, 41.06.170, 41.60.015, 43.06.410, and 49.74.020; reenacting and amending RCW 41.06.150, 28B.16.100, 41.06.020, and 42.17.2401; adding new sections to chapter 43.03 RCW; adding a new section to chapter 4.92 RCW; adding new sections to chapter 41.04 RCW; creating new sections; decodifying RCW 41.06.300, 41.06.320, and 41.06.330; and repealing RCW 43.03.110 and 43.03.120.

Referred to Committee on Governmental Operations.

SB 6445 by Senators Rasmussen, Niemi, Warnke, Newhouse, Wojahn, Murray, Williams and Talmadge

AN ACT Relating to the law enforcement officers' and fire fighters' retirement system; and amending RCW 41.26.030 and 41.26.180.

Referred to Committee on Law and Justice.

SB 6446 by Senators Benitz, Madsen, Patrick, Kreidler, Sutherland and Barr

AN ACT Relating to planning, design, and operation of public water systems; amending RCW 43.70.130, 58.17.130, 70.119A.060, and 80.28.110; adding new sections to chapter 43.20 RCW; adding a new section to Title 80 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 6447 by Senators Benitz, Madsen, Patrick, Sutherland and Barr

AN ACT Relating to failing public water systems; amending RCW 36.94.140, 43.70.190, 43.70.200, 43.155.020, 43.155.070, 43.155.065, 70.119A.040, and 70.05.070; adding a new section to chapter 8.25 RCW; adding a new section to chapter 82.08 RCW; creating new sections; prescribing penalties; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 6448 by Senators Anderson and Rasmussen

AN ACT Relating to exemptions from execution or attachment of pension funds; and amending RCW 6.15.020.

Referred to Committee on Law and Justice.

SB 6449 by Senators Anderson, Craswell and McDonald

AN ACT Relating to remittance of taxes for enhanced food fish; and amending RCW 82.27.060.

Referred to Committee on Ways and Means.

SB 6450 by Senator McDonald

AN ACT Relating to tax information and the secrecy clause; and amending RCW 82.32.330.

Referred to Committee on Ways and Means.

SB 6451 by Senators McDonald and Hayner

AN ACT Relating to unstamped cigarettes; amending RCW 82.24.030, 82.24.040, 82.24.050, 82.24.110, 82.24.130, and 82.24.250; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6452 by Senators von Reichbauer, Gaspard, McDonald, Newhouse and Lee

AN ACT Relating to the school district employee leave sharing program; and amending RCW 28A.58.0991.

Referred to Committee on Ways and Means.

SB 6453 by Senators Sellar and Barr

AN ACT Relating to the use of farmers home administration guaranty loan funds; adding a new chapter to Title 31 RCW; prescribing penalties; making an appropriation; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SB 6454 by Senators Rasmussen, McCaslin, Warnke, Bauer and Johnson

AN ACT Relating to local government land use; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; and creating new sections.

Referred to Committee on Governmental Operations.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

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

Providing additional qualifications for precinct election officers.

Referred to Committee on Governmental Operations.

SHB 1264 by Committee on Local Government (originally sponsored by Representatives Nealey, Haugen, Ferguson, McLean, Horn, Cooper and Moyer)

Changing provisions relating to local registrars.

Referred to Committee on Governmental Operations.

HB 1307 by Representatives Phillips, Holland, Wang and Appelwick (by request of Department of Revenue)

Revising assessment levels for equalizing personal property.

Referred to Committee on Ways and Means.

HB 1323 by Representatives Hine, Silver, Sayan, D. Sommers, Patrick, McLean, Bristow, H. Sommers, Bowman, Day, Wineberry, Dorn, Dellwo, Crane, Brough, Valle, Rector, Wang, Betzoff, R. Fisher, Fraser, Basich, O'Brien, Locke, May, P. King, Phillips, Pruitt, Brekke, Appelwick, Jacobsen, Van Luven, Wood and Horn (by request of Joint Committee on Pension Policy)

Changing provisions relating to portability of public employment retirement benefits.

Referred to Committee on Ways and Means.

HB 1328 by Representatives Belcher, Miller, Valle, Locke, Wang, Rust, Appelwick, Doty, Spanel, H. Sommers, Wineberry, R. Fisher, Jacobsen, Fraser, Rasmussen, Brekke, Cole, Leonard, Phillips, Rayburn, K. Wilson, P. King, Anderson, Crane, Morris, Dellwo, Nutley, Jones, Nelson, Chandler, Hine, Hankins and Ebersole

Conditioning golf course eligibility for open space valuation.

Referred to Committee on Ways and Means.

EHB 1343 by Representatives Jones, Patrick, R. King, Sayan, Leonard, Cole, Wolfe, Wang, Winsley and Walker

Establishing procedures for determining jurisdiction in disputed industrial insurance claims and providing for benefits.

Referred to Committee on Economic Development and Labor.

ReEHB 1433 by Representatives Wineberry, R. Fisher, McLean, Anderson, Nelson, Wang, Inslee, R. King and Todd

Extending the voter registration period.

Referred to Committee on Governmental Operations.

HB 1505 by Representatives Zellinsky, Braugher, Sayan, Dellwo, Chandler, Anderson, Day, Crane, Winsley, Beck, Schmidt, Prentice, Rayburn, Kremen, Rector, Bowman and P. King

Forbidding the use of age as a basis for rating the cost of medicare supplemental health insurance.

Referred to Committee on Financial Institutions and Insurance.

ESHB 1557 by Committee on Commerce and Labor (originally sponsored by Representatives Vekich, Patrick, Belcher, Sayan, Winsley, R. King, Ebersole, R. Meyers, Walk, Braddock, Phillips, Fraser, Holland, Jacobsen, Anderson, Heavey, Basich, Nelson, Appelwick, Morris, Jones, Todd, P. King, Wineberry, Sprengle and Dorn)

Providing for state employee collective bargaining.

Referred to Committee on Governmental Operations.

EHB 1623 by Representatives Belcher, Bowman, Ferguson, Brumsickle, Haugen, Hargrove, Locke and McLean

Benefiting winter recreation activities of the state parks and recreation commission.

Referred to Committee on Environment and Natural Resources.

EHB 1646 by Representatives Dellwo and Winsley

Regarding disciplinary action against realtors.

Referred to Committee on Financial Institutions and Insurance.

ESHB 2198 by Committee on Energy and Utilities (originally sponsored by Representatives Nelson, Hankins, Cooper, Miller, May, Jacobsen, Brooks, Todd and H. Myers)

Pertaining to energy efficiency and conservation.

Referred to Committee on Energy and Utilities.

MOTION

At 10:15 a.m., on motion of Senator Newhouse, the Senate adjourned until 11:00 a.m, Monday, January 15, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 15, 1990

The Senate was called to order at 11:00 a.m. by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Conner, Kreidler, Matson and Owen. On motion of Senator Anderson, Senator Matson was excused. On motion of Senator Bender, Senators Conner, Kreidler and Owen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Damien Kolb and Scott Sund, presented the Colors. Reverend Ernest S. Brazill, pastor of the Shiloh Baptist Church of Tacoma, offered the prayer.

MOTION

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

MOTION

Senator Hayner moved that the following resolution be adopted:

SENATE RESOLUTION 1990-8725

by Senators Hayner, Fleming, Smitherman, Rasmussen, Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, Warnke, West, Williams and Wojahn

WHEREAS, On this date, we honor the Reverend Dr. Martin Luther King, Jr., a man of moral courage, who, in the face of discrimination and injustice, understood the continuing value of America's promise of liberty to all its citizens, just as he understood the urgency of the need to make democracy at long last a reality for all Americans; and

WHEREAS, In a Birmingham jail, Dr. King had a vision - a dream. He wrote, "We will reach the goal of freedom . . . because the goal of America is freedom." And years later, from the steps of the Lincoln Memorial, he reaffirmed his faith in democracy, his faith in the conscience and good will of the American people, and his faith in America itself. On the rock of this faith, Martin Luther King built the edifice of a movement. He said, "Now is the time to make real the promises of democracy. Now is the time to open the doors of opportunity to all God's children. Now is the time to lift our great nation from the quicksands of racial injustice to the solid rock of brotherhood."; and

WHEREAS, While Martin Luther King's faith in God and his fellow Americans was the foundation of his movement, the methods of nonviolence were his tools. He wrote, "Violence ends by defeating itself." "[I]f we succumb to the temptation to use violence in our struggle for freedom, unborn generations will be the recipients of a long desolate night of bitterness, and our chief legacy to them will be a never ending reign of chaos."; and

WHEREAS, Today, people throughout the world - those oppressed because of the color of their skin, because of their religious beliefs, because of their desire to live in a democratic society - dream the dream of Martin Luther King. To us, they should see the continuing struggle for the fulfillment of that dream and vision;

NOW, THEREFORE, BE IT RESOLVED, That together with the people of Washington, the Washington State Senate hereby pauses to reflect upon the self-sacrifice, accomplishments, and contributions of the Reverend Dr. Martin Luther King, Jr. We pray that in the 1990's, freedom will ring not only from "Stone Mountain

of Georgia" to "Lookout Mountain of Tennessee," but also from Peking to Bucharest and Panama City to Pretoria; and

BE IT FURTHER RESOLVED, That in celebration of this Martin Luther King Day and as we enter a new decade, the Washington State Senate reaffirms its commitment to the ideals of freedom and justice for all, and rededicates itself to the continuing battle against prejudice and racial intolerance.

Senators Hayner, Fleming and Smitherman spoke to Senate Resolution 1990-8725.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution 1990-8725.

The motion by Senator Hayner carried and Senate Resolution 1990-8725 was adopted.

MOTION

On motion of Senator Newhouse, and their being no objection, all members will be added as sponsors of Senate Resolution 1990-8725.

MOTION

Senator Amondson moved that the following resolution be adopted:

SENATE RESOLUTION 1990-8724

by Senators Amondson, Benitz, Warnke, Rasmussen and Lee

WHEREAS, In early January 1990, the forces of nature, including record-breaking winds and rains, tragically joined to cause extensive damage across the state of Washington; and

WHEREAS, As a result of these incidents, communities have been devastated, families have been uprooted and, most sadly, lives have been lost; and

WHEREAS, Destruction from the floods in Western Washington and the winds that primarily affected Eastern Washington is beyond the financial capability of local governments, already burdened by the ongoing public health and safety threats of storm and flood damage, to bear without state and federal assistance; and

WHEREAS, The Governor of the state of Washington has declared a state of emergency in the counties of Benton, Cowlitz, Garfield, Grays Harbor, King, Lewis, Pacific, Pierce, Thurston, Wahkiakum, Walla Walla, Whitman and Yakima, and has applied to the President of the United States for federal disaster relief through the Federal Emergency Management Agency;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby expresses its willingness to vigorously support the application for federal assistance filed on behalf of the state of Washington in this incident, and petitions members of the Washington State Congressional Delegation to join it in actively seeking the expeditious review of such application at the federal level; and

BE IT FURTHER RESOLVED, That the Washington State Senate respectfully urges the President to declare a state of disaster in the thirteen storm-damaged counties identified in Washington State's application for federal assistance and to secure immediate aid to Lewis County, one of the counties hardest hit; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to the President of the United States, The Honorable George Bush, to the Acting Director of the Federal Emergency Management Agency, and to all members of the Washington State Congressional Delegation.

Senators Amondson, Benitz and Warnke spoke to Senate Resolution 1990-8724.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution 1990-8724.

The motion by Senator Amondson carried and Senate Resolution 1990-8724 was adopted.

There being no objection, the President Pro Tempore reverted the Senate to the first order of business.

REPORT OF STANDING COMMITTEE

January 12, 1989

SB 5882 Prime Sponsor, Senator Nelson: Establishing definitions and revising penalties for reckless, negligent and inattentive driving. Reported by Committee on Rules

MAJORITY recommendation: That Senate Bill No. 5882 be returned to the Committee on Law and Justice. Signed by Senators Bauer, Cantu, Conner, Craswell, Hayner, Johnson, Rasmussen, Vognild, Warnke, Wojahn.

Referred to Committee on Law and Justice.

There being no objection, the President Pro Tempore advanced the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

January 12, 1990

Mr. President:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1174,

ENGROSSED HOUSE BILL NO. 1175,

SUBSTITUTE HOUSE BILL NO. 1661,

HOUSE BILL NO. 1682,

SUBSTITUTE HOUSE BILL NO. 1797,

HOUSE BILL NO. 1890,

HOUSE BILL NO. 2035,

ENGROSSED HOUSE JOINT RESOLUTION NO. 4200,

REENGROSSED HOUSE JOINT RESOLUTION NO. 4203,

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4204, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING

SB 6455 by Senators Hayner, Madsen, Johnson, Warnke and Barr

AN ACT Relating to local government property tax authority; amending RCW 84.52-.043, 84.52.050, 27.12.390, 35.61.210, 70.44.060, 52.04.081, 52.16.140, and 84.04.140; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; repealing RCW 84.52.100; and providing a contingent effective date.

Referred to Committee on Ways and Means.

SB 6456 by Senators Warnke, Gaspard, Rinehart, Williams, Murray, Bauer and Rasmussen

AN ACT Relating to the Washington state leave sharing program; and amending RCW 41.04.655, 41.04.660, 41.04.665, 41.04.670, and 28A.58.0991.

Referred to Committee on Economic Development and Labor.

SB 6457 by Senators Wojahn, Smith, DeJarnatt, Vognild, Smitherman, Stratton, Moore, West, Rasmussen and Sutherland

AN ACT Relating to the treatment for use of controlled substances and alcohol during pregnancy; amending RCW 26.44.020; and adding a new section to chapter 26.44 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6458 by Senators Wojahn, Niemi, Bauer, West, Rasmussen and Sutherland

AN ACT Relating to the use of controlled substances and alcohol during pregnancy; adding a new chapter to Title 70 RCW; creating a new section; and making an appropriation.

Referred to Committee on Health and Long-Term Care.

SB 6459 by Senators Patrick, DeJarnatt, Nelson and Rasmussen

AN ACT Relating to recording procedures; adding new sections to chapter 40.14 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 6460 by Senators Niemi, Wojahn, West, Moore and Rasmussen

AN ACT Relating to the reimbursement of nursing homes specifically authorized to meet the needs of persons living with AIDS; amending RCW 74.46.481; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6461 by Senators Bluechel, Gaspard and Rasmussen

AN ACT Relating to the state library; and adding a new section to chapter 27.04 RCW.

Referred to Committee on Law and Justice.

SB 6462 by Senators Smith, Bauer, McDonald, Nelson, Lee, Niemi, Anderson, Wojahn, Cantu, Smitherman, Rasmussen, Craswell and Sutherland

AN ACT Relating to residential services for developmental disabilities clients; amending RCW 71A.12.030 and 71A.20.080; adding a new section to chapter 71A.18 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Children and Family Services.

SB 6463 by Senators Saling, Rinehart, Smitherman, Bauer, Stratton, Talmadge and Johnson

AN ACT Relating to services and activities fee programs; and amending RCW 28B.15.045.

Referred to Committee on Higher Education.

SB 6464 by Senators Patrick, Vognild, West, Rasmussen and Wojahn

AN ACT Relating to exemptions from commercial driver's licenses; and amending RCW 46.25.050.

Referred to Committee on Transportation.

SB 6465 by Senators Craswell, Madsen, Smith and Wojahn

AN ACT Relating to medicaid cost reimbursement; and amending RCW 74.46.360.

Referred to Committee on Health and Long-Term Care.

SB 6466 by Senators Williams, Rasmussen, Warnke, Vognild, Wojahn, Bender, Rinehart, Moore and Fleming

AN ACT Relating to automobile insurance; and adding a new section to chapter 48.30 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 6467 by Senators Talmadge, Nelson and Vognild

AN ACT Relating to second degree arson as murder; and amending RCW 9A.32.030.

Referred to Committee on Law and Justice.

SB 6468 by Senators Williams, Warnke, Lee, Bender, Rinehart, Murray, Talmadge, Sutherland and Fleming (by request of Department of Labor and Industries)

AN ACT Relating to administration and enforcement of prevailing wage law; amending RCW 39.12.050, 39.12.065, and 39.12.070; and prescribing penalties.

Referred to Committee on Economic Development and Labor.

SB 6469 by Senators Bailey, Williams and Hayner (by request of Governor Gardner)

AN ACT Relating to student enrollment options; adding new sections to Title 28A RCW; and creating new sections.

Referred to Committee on Education.

- SB 6470** by Senators Williams, Lee and Rasmussen (by request of Department of Labor and Industries)
AN ACT Relating to construction liens; and amending RCW 60.04.250.
Referred to Committee on Economic Development and Labor.
- SB 6471** by Senators Williams, Bender and Rasmussen (by request of Department of Labor and Industries)
AN ACT Relating to industrial insurance assessments; and amending RCW 51.16.200 and 51.48.150.
Referred to Committee on Economic Development and Labor.
- SB 6472** by Senators Lee, Williams, McMullen, Gaspard, Rinehart, Bender, Rasmussen, Murray, Moore, Talmadge, Hansen, Sutherland, Wojahn and Bauer (by request of Department of Labor and Industries)
AN ACT Relating to workers' compensation claim files; and amending RCW 51.28.070.
Referred to Committee on Economic Development and Labor.
- SB 6473** by Senators Thorsness, Wojahn, McCaslin, Gaspard, Rasmussen and Lee (by request of Department of Corrections)
AN ACT Relating to sale of products of correctional industries; and amending RCW 72.09.100.
Referred to Committee on Law and Justice.
- SB 6474** by Senators Williams, von Reichbauer, Moore, Rinehart, Niemi, Talmadge and Murray
AN ACT Relating to public corporations; and amending RCW 35.21.745.
Referred to Committee on Financial Institutions and Insurance.
- SB 6475** by Senators Anderson, Craswell, Wojahn, Bailey and West
AN ACT Relating to day care providers; amending RCW 74.15.020; adding a new section to chapter 74.15 RCW; and prescribing penalties.
Referred to Committee on Children and Family Services.
- SB 6476** by Senators Craswell, McDonald, Metcalf, Rasmussen, Lee, Bluechel, Bailey, Benitz, Cantu, Thorsness, Johnson, Amondson, Patterson, Hayner, Smith, Saling, Sellar and West
AN ACT Relating to alternatives to teacher certification; and adding new sections to Title 28A RCW.
Referred to Committee on Education.
- SB 6477** by Senators Benitz, Williams, Nelson, Patrick, Bluechel, Sutherland, Moore, Rasmussen and Wojahn
AN ACT Relating to energy efficiency and conservation; amending RCW 19.27A.020 and 19.27.040; adding new sections to chapter 19.27A RCW; adding a new section to chapter 19.27 RCW; adding a new section to chapter 4.24 RCW; adding a new section to chapter 80.28 RCW; adding a new section to chapter 82.16 RCW; creating a new section; repealing RCW 19.27A.010, 19.27A.030, and 19.27A.040; providing effective dates; and declaring an emergency.
Referred to Committee on Energy and Utilities.
- SB 6478** by Senator Nelson
AN ACT Relating to registration exemptions for sellers of small vessels; and adding a new section to chapter 88.02 RCW.
Referred to Committee on Transportation.
- SB 6479** by Senators Nelson, Thorsness, Newhouse and McCaslin
AN ACT Relating to real estate contract forfeitures; and amending RCW 61.30.010.
Referred to Committee on Law and Justice.

- SB 6480 by Senators Rinehart, Talmadge, Moore, Hansen, Bender, DeJarnatt, Niemi and Bauer
AN ACT Relating to health education plans; adding new sections to Title 28A RCW; creating a new section; and making an appropriation.
Referred to Committee on Education.
- SB 6481 by Senators Rinehart, Smitherman, Talmadge, Moore and Warnke
AN ACT Relating to a model curriculum for dispute resolution and creative problem solving; adding new sections to Title 28A RCW; creating a new section; and making an appropriation.
Referred to Committee on Education.
- SB 6482 by Senators Rinehart, Talmadge, Murray and Niemi
AN ACT Relating to students' freedom of expression in the public schools; and adding new sections to Title 28A RCW.
Referred to Committee on Education.
- SB 6483 by Senators Rinehart, Bailey, Williams, Bender, Murray, Talmadge, Moore, Rasmussen, Niemi and Warnke
AN ACT Relating to the transitional bilingual education program; and amending RCW 28A.58.810.
Referred to Committee on Education.
- SB 6484 by Senators Rinehart, Bailey, Murray, Bauer and Warnke
AN ACT Relating to professional development centers for teacher training; adding new sections to Title 28A RCW; and making an appropriation.
Referred to Committee on Education.
- SB 6485 by Senators Kreidler, Bailey, Madsen, Moore, Rasmussen and Wojahn
AN ACT Relating to school nutrition guidelines; adding a new section to Title 28A RCW; and creating a new section.
Referred to Committee on Education.
- SB 6486 by Senators Rinehart, Kreidler, Bailey and Warnke
AN ACT Relating to partners in education; and adding new sections to chapter 41.04 RCW.
Referred to Committee on Education.
- SB 6487 by Senators Rinehart, Benitz, Williams, Newhouse, Niemi and Moore
AN ACT Relating to sales between domestic wineries and brewers; and amending RCW 66.24.170 and 66.24.240.
Referred to Committee on Economic Development and Labor.
- SB 6488 by Senators Rinehart, Nelson, Talmadge, Murray, Moore, Niemi and Warnke
AN ACT Relating to water safety; and amending RCW 88.12.070, 88.12.040, and 88.02.095.
Referred to Committee on Law and Justice.
- SB 6489 by Senator Rinehart
AN ACT Relating to the death penalty; and amending RCW 10.95.030.
Referred to Committee on Law and Justice.
- SB 6490 by Senators Rinehart, Saling, Stratton, Bauer, Rasmussen, Patterson, Gaspard, Cantu and DeJarnatt
AN ACT Relating to the first generation scholars program; adding new sections to Title 28B RCW; and making an appropriation.
Referred to Committee on Higher Education.
- SB 6491 by Senator Conner

AN ACT Relating to distribution of revenue from local taxation of gambling; and amending RCW 9.46.113.

Referred to Committee on Governmental Operations.

SB 6492 by Senators Smith, Conner, Stratton and Bailey

AN ACT Relating to adoption support reconsideration program; adding a new section to chapter 74.13 RCW; and creating a new section.

Referred to Committee on Children and Family Services.

SB 6493 by Senators Patrick, Kreidler, Craswell, Stratton, Conner and Bailey

AN ACT Relating to access to adoption information; amending RCW 26.33.330 and 26.33.340; and adding new sections to chapter 26.33 RCW.

Referred to Committee on Children and Family Services.

SB 6494 by Senators Smith, Vognild, Bailey, Stratton and Conner

AN ACT Relating to adoption; amending RCW 26.33.020, 26.33.160, 26.33.190, 26.33-.200, 26.33.300, 26.33.350, 26.33.390, and 9A.64.030; reenacting and amending RCW 43.43-.830 and 74.13.031; and adding a new section to chapter 36.23 RCW.

Referred to Committee on Children and Family Services.

SB 6495 by Senators Patrick, Rasmussen and Metcalf

AN ACT Relating to outdoor recreation; and amending RCW 4.24.210.

Referred to Committee on Law and Justice.

SB 6496 by Senators Lee, Thorsness, Moore and Rasmussen

AN ACT Relating to adult literacy; amending RCW 50.24.010; adding a new chapter to Title 28C RCW; and creating a new section.

Referred to Committee on Economic Development and Labor.

SB 6497 by Senator Lee

AN ACT Relating to property revaluation; and amending RCW 84.41.041.

Referred to Committee on Ways and Means.

SB 6498 by Senator Lee

AN ACT Relating to the apprenticeship council; and amending RCW 49.04.010.

Referred to Committee on Economic Development and Labor.

SJM 8018 by Senators Conner, Rasmussen and Saling

Requesting congress to pass legislation concerning taxation of pensions.

Referred to Committee on Ways and Means.

SJR 8230 by Senators Hayner, Madsen, Johnson, Warnke and Barr

Amending the Constitution to change fire protection district or city or town levy limitations.

Referred to Committee on Ways and Means.

SJR 8231 by Senators Wojahn, Warnke, Stratton, Sutherland, Vognild, Moore, Rasmussen, Bauer and Patrick

Allowing video testimony of children under ten years of age who are sexual abuse victims.

Referred to Committee on Law and Justice.

SJR 8232 by Senators Lee and Bailey

Authorizing the legislature to classify improvements to property in any reasonable manner.

Referred to Committee on Ways and Means.

SCR 8429 by Senators Smith, Vognild, Bailey, Stratton and Conner
 Creating the Washington State Adoption Commission.
 Referred to the Committee on Children and Family Services.

SCR 8430 by Senator Lee
 Facilitating joint sponsorship of bills.
 HOLD.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 1174 by Committee on Appropriations (originally sponsored by Representatives Phillips, Wood, Haugen, Ferguson, Rayburn, Horn, Raiter, Wolfe, Cooper, Nutley, Todd, Doty, Hine, Winsley, Jones, Nelson, Sayan and Ebersole) (by request of Governor Gardner)
 Creating a procedure for local government service agreements.
 Referred to Committee on Governmental Operations.

EHB 1175 by Representatives Raiter, Horn, Haugen, Ferguson, Wolfe, Rayburn, Wood, Cooper, Nutley, Todd, Doty, Hine, Winsley, Jones, Nelson, Sayan, Phillips, Brough, Ebersole and Sprengle (by request of Governor Gardner)
 Establishing a citizens' review process for altering local governments.
 Referred to Committee on Governmental Operations.

SHB 1661 by Committee on Local Government (originally sponsored by Representatives Hine, G. Fisher, Valle and Heavey)
 Regulating the placement of electrical facilities.
 Referred to Committee on Energy and Utilities.

HB 1682 by Representatives Brough, Vekich, Patrick, Jacobsen, Cole, Leonard, Todd, O'Brien and Schoon
 Revising provisions for fund raising events by bona fide charitable or nonprofit organizations.
 Referred to Committee on Economic Development and Labor.

SHB 1797 by Committee on Housing (originally sponsored by Representatives Todd, Nutley, Cooper, Cantwell, Nelson, Brough and Rasmussen)
 Applying the mobile home landlord-tenant act to individual lots.
 Referred to Committee on Economic Development and Labor.

HB 1890 by Representatives R. Fisher and Anderson
 Changing provisions concerning redistricting.
 Referred to Committee on Governmental Operations.

HB 2035 by Representatives R. Fisher, Anderson, Jacobsen and P. King
 Permitting individuals or voter registration officers to complete applications to register to vote.
 Referred to Committee on Governmental Operations.

EHJR 4200 by Representatives Haugen, Ferguson, Winsley, May, Rayburn, P. King, Cooper and Jones
 Amending the Constitution to provide an alternative method for the framing of a county charter.
 Referred to Committee on Governmental Operations.

ReEHJR 4203 by Representatives Cooper, Horn, Haugen, Ferguson, Phillips, Rayburn, Raiter, Wood, Wolfe, Nutley, Doty, Hine and Nelson

Amending the Constitution to alter the requirements for changing county boundaries.

Referred to Committee on Governmental Operations.

SHJR 4204 by Committee on Local Government (originally sponsored by Representatives Raiter, Wolfe, Haugen, Ferguson, Rayburn, Horn, Wood, Cooper, Todd, Doty, Nelson, Phillips and Brough) (by request of Governor Gardner)

Allowing the review and modification of local government.

Referred to Committee on Governmental Operations.

MOTION

On motion of Senator Newhouse, Senate Concurrent Resolution No. 8430 was held on the desk.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Agriculture was relieved of further consideration of Senate Bill No. 6339.

On motion of Senator Newhouse, Senate Bill No. 6339 was referred to the Committee on Environment and Natural Resources.

MOTION

At 11:26 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Wednesday, January 17, 1990.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 17, 1990

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Fleming, Hayner, Lee and Owen. On motion of Senator Bender, Senators Fleming and Owen were excused. On motion of Senator Anderson, Senator Lee was excused.

The Sergeant at Arms Color Guard, consisting of Pages Katie Uphaus and Kongphanh Santivong, presented the Colors. Sister Georgette Bayless, director of pastoral care, St. Peter Hospital of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 16, 1990

ESSB 5835 Prime Sponsor, Committee on Energy and Utilities: Creating an energy information program for local school district use. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Second Substitute Senate Bill No. 5835 be substituted therefor, and the second substitute bill do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Nelson, Patrick, Stratton, Sutherland, Williams.

Referred to Committee on Rules for second reading.

January 16, 1990

SB 5996 Prime Sponsor, Senator Benitz: Authorizing feasibility study of waste management education. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Second Substitute Senate Bill No. 5996 be substituted therefor, and the second substitute bill do pass and be referred to Committee on Higher Education. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Nelson, Patrick, Stratton, Sutherland, Williams.

Referred to Committee on Higher Education.

January 16, 1990

SB 6164 Prime Sponsor, Senator Newhouse: Revising provisions for the transportation of food products. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Referred to Committee on Rules for second reading.

January 16, 1990

SB 6172 Prime Sponsor, Senator Sellar: Revising provisions for environmental coordination procedures. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Patrick, Sutherland.

Referred to Committee on Rules for second reading.

January 16, 1990

SB 6246 Prime Sponsor, Senator Barr: Changing recordkeeping requirements for pesticide use. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6246 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Referred to Committee on Rules for second reading.

January 12, 1990

SB 6259 Prime Sponsor, Senator Nelson: Changing provisions relating to criminal offenders. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6259 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Referred to Committee on Ways and Means.

January 16, 1990

SB 6290 Prime Sponsor, Senator Benitz: Revising provisions for telecommunications devices for the hearing impaired and speech impaired and repealing the expiration date. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 6290 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Nelson, Patrick, Stratton, Sutherland, Williams.

Referred to Committee on Rules for second reading.

January 15, 1990

SB 6304 Prime Sponsor, Senator Saling: Requiring that sick leave records be kept for teaching and research faculty at state and regional universities. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Cantu, Smitherman, Stratton, von Reichbauer.

Referred to Committee on Rules for second reading.

January 16, 1990

SB 6335 Prime Sponsor, Senator Metcalf: Making it unlawful to operate certain commercial vessels in a negligent manner. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Patterson, Sutherland.

Referred to Committee on Rules for second reading.

January 16, 1990

SB 6354 Prime Sponsor, Senator Barr: Removing newspaper publication requirements for hearings on apple grades and size standards. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Referred to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 15, 1990

GA 9125 RONALD C. CLAUDON, appointed March 23, 1989, for a term ending September 30, 1993, as a member of the Board of Trustees for Green River Community College District No. 10. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

January 15, 1990

GA 9140 ROBERT J. BAVASI, appointed June 6, 1989, for a term ending September 30, 1993, as a member of the Board of Trustees for Everett Community College District No. 5.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

January 15, 1990

GA 9147 MARILU M. BROCK, reappointed September 28, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Highline Community College District No. 9.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

January 15, 1990

GA 9151 MARI J. CLACK, appointed September 29, 1989, for a term ending September 30, 1995, as a member of the Board of Regents for the University of Washington.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

REPORT OF SELECT COMMITTEE*

STATE OF WASHINGTON
DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
General Administration Building
Olympia, Washington 98504

January 12, 1990

Gordon Golob
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504
Dear Gordon:

The enclosed report on the Washington Marketplace is being submitted in accordance with the requirements of Second Substitute House Bill No. 1476.

Please contact David Dougherty, Director of the Business Assistance Center at 753-5623 if you have any questions.

Sincerely,
JOHN C. ANDERSON
Director

The Select Committee Report is on file in the Office of the Secretary of the Senate.

*EDITOR'S NOTE: See Final Report on the Washington Marketplace, read in on the Seventeenth Day, January 24, 1990.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
General Administration Building
Olympia, Washington 98504

January 12, 1990

Gordon Golob
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504

Dear Gordon:

The enclosed report on the Washington Investment Opportunities Office is being submitted in accordance with the requirements of Substitute Senate Bill No. 5241.

Please contact David Dougherty, Director of the Business Assistance Center at 753-5632 if you have any questions.

Sincerely,
JOHN C. ANDERSON
Director

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
General Administration Building
Olympia, Washington 98504

January 12, 1990

Gordon Golob
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504

Dear Gordon:

The enclosed reports of the Biotechnology Targeted Sector Advisory Committee and the Food Processing Targeted Sector Advisory Group are being submitted in accordance with the requirements of Substitute House Bill No. 2137.

Please contact Don Lorentz, Assistant Director for the Market and Targeted Industry Development Group at SCAN 576 (464)-6282 if you have any questions.

Sincerely,
JOHN C. ANDERSON
Director

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

WASHINGTON STATE'S
FAMILY INDEPENDENCE PROGRAM
Post Office Box 9013
Olympia, Washington

January 12, 1990

Mr. Gordon Golob
Secretary of the Senate
Legislative Building
Olympia, Washington 98504

Dear Mr. Golob:

I am pleased to forward to you a copy of the Report to the 1990 Washington State Legislature on the Progress and Impact of the Family Independence Program and the accompanying Executive Summary.

This comprehensive report has been a collaborative effort between the agencies involved in the program, with input from Legislative Budget Committee staff and various House and Senate staff involved in the FIP Watchers group.

The Legislative Report and the Executive Summary are being distributed to the Senate through the Senate Distribution Room today.

Sincerely,
BARBARA J. FLAHERTY
Executive Director

The Select Committee Report is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE HOUSE

January 15, 1990

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 1176,

HOUSE BILL NO. 1223,

ENGROSSED HOUSE BILL NO. 1226,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1237,

SUBSTITUTE HOUSE BILL NO. 1257, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6499 by Senators Nelson, Vognild, Newhouse, Rasmussen, Thorsness, Murray, Patrick, Bender, Rinehart, Bailey, Madsen and Bauer

AN ACT Relating to funding of dispute resolution centers; amending RCW 3.62.060; adding a new section to chapter 7.75 RCW; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6500 by Senators Bender and von Reichbauer

AN ACT Relating to public works subletting and subcontracting; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Economic Development and Labor.

SB 6501 by Senators Barr, Hansen, Bailey, Newhouse, Gaspard and Bauer

AN ACT Relating to security interests in farm crops; amending RCW 62A.9-307, 62A.9-402, and 62A.9-407; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Agriculture.

SB 6502 by Senators Barr, Gaspard and Hansen

AN ACT Relating to water reuse; amending RCW 43.20.230; and adding a new section to chapter 43.20 RCW.

Referred to Committee on Agriculture.

SB 6503 by Senators McCaslin, Amondson, Nelson, Patrick, Lee and Bailey

AN ACT Relating to traffic infractions; and amending RCW 46.63.110.

Referred to Committee on Law and Justice.

SB 6504 by Senators McCaslin, Thorsness and Craswell

AN ACT Relating to shoplifting; and amending RCW 4.24.230.

Referred to Committee on Law and Justice.

SB 6505 by Senators McCaslin, Amondson, Johnson, Sellar, Nelson, Smith, Lee, West and Warnke

AN ACT Relating to property tax exemptions; and amending RCW 84.36.381.

Referred to Committee on Ways and Means.

SB 6506 by Senators McCaslin, Amondson, Nelson, Johnson, Barr, Saling, Anderson, Bailey, West, Stratton, Rasmussen and von Reichbauer

AN ACT Relating to woodburning stoves; and amending RCW 70.94.473.

Referred to Committee on Environment and Natural Resources.

SB 6507 by Senators McCaslin, Amondson, von Reichbauer and Patterson

AN ACT Related to jury service; and amending RCW 2.36.100.

Referred to Committee on Law and Justice.

SB 6508 by Senators McCaslin, Barr, Sellar and Rasmussen

AN ACT Relating to authorized combinations of vehicles; and amending RCW 46.44.037.

Referred to Committee on Transportation.

SB 6509 by Senators Barr and Talmadge

AN ACT Relating to authorizing cities, towns, and counties to enact water-efficient landscaping ordinances; and amending RCW 35.63.010, 35.63.060, 35.63.080, 35A.63.010, 35A.63.062, 36.70.020, and 36.70.750.

Referred to Committee on Agriculture.

SB 6510 by Senators Benitz, Bluechel and Williams (by request of Utilities and Transportation Commission)

AN ACT Relating to registration of telecommunication companies; and amending RCW 80.36.350.

Referred to Committee on Energy and Utilities.

SB 6511 by Senators Benitz, Bluechel and Williams (by request of Utilities and Transportation Commission)

AN ACT Relating to regulatory fees; and amending RCW 80.24.010 and 81.24.010.

Referred to Committee on Energy and Utilities.

SB 6512 by Senators Benitz, Bluechel and Williams (by request of Utilities and Transportation Commission)

AN ACT Relating to regulation of radio communications services; and amending RCW 80.36.370.

Referred to Committee on Energy and Utilities.

SB 6513 by Senators Nelson, Rinehart, Patrick and Talmadge (by request of Administrator for the Courts)

AN ACT Relating to superior court judges; amending RCW 2.08.061; and creating a new section.

Referred to Committee on Law and Justice.

SB 6514 by Senators Newhouse and McMullen (by request of Board of Industrial Insurance Appeals)

AN ACT Relating to attorney's fees before the department of labor and industries and the board of industrial insurance appeals; and amending RCW 51.52.120.

Referred to Committee on Economic Development and Labor.

SB 6515 by Senators Lee, Williams, Moore, Matson, Talmadge and Warnke (by request of Department of Community Development)

AN ACT Relating to preservation of historic sites; amending RCW 27.34.220; creating new sections; and providing an effective date.

Referred to Committee on Economic Development and Labor.

SB 6516 by Senators Bailey, Stratton, Bauer and Bluechel

AN ACT Relating to child care services for homeless families; adding a new section to chapter 74.15 RCW; creating a new section; making an appropriation; and providing an effective date.

Referred to Committee on Children and Family Services.

SB 6517 by Senators Metcalf, Kreidler and Bluechel (by request of Parks and Recreation Commission)

AN ACT Relating to winter recreation functions of the state parks and recreation commission; amending RCW 43.51.340, 43.51.290, 43.51.300, and 46.61.585; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 6518 by Senators Sellar, Kreidler, von Reichbauer and Matson (by request of Pollution Liability Reinsurance Agency)

AN ACT Relating to the Washington pollution liability insurance program; and amending RCW 70.148.010, 70.148.020, 70.148.030, 70.148.040, 70.148.050, 70.148.060, 70.148.070, 70.148.080, 70.148.090, 70.148.100, and 82.23A.020.

Referred to Committee on Financial Institutions and Insurance.

SB 6519 by Senators Anderson and Cantu

AN ACT Relating to motor vehicle registration records; adding a new section to chapter 46.12 RCW; and creating new sections.

Referred to Committee on Transportation.

SB 6520 by Senators Lee, Talmadge, Anderson, Sutherland, Patrick, Thorsness, Barr, McMullen, Williams and Bauer

AN ACT Relating to nonionizing radiation; amending RCW 70.98.050; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 6521 by Senators Nelson, Rinehart, Patrick, Gaspard and Rasmussen

AN ACT Relating to duties of a driver in a traffic accident; and amending RCW 46.52.020.

Referred to Committee on Law and Justice.

SB 6522 by Senators Nelson, Rinehart, Patrick, Gaspard and Rasmussen

AN ACT Relating to traffic violations; amending RCW 46.20.342, 46.20.416, 46.20.420, and 46.65.090; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6523 by Senators Nelson, Rinehart, Patrick, Gaspard and Rasmussen

AN ACT Relating to enforcement of traffic infractions; amending RCW 46.64.020; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6524 by Senators Nelson, Patrick, Gaspard and Rasmussen

AN ACT Relating to fictitious or fraudulently altered identification; amending RCW 46.20.336; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Law and Justice.

SB 6525 by Senators Lee, Smitherman and Rasmussen (by request of Employment Security Department)

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

Referred to Committee on Economic Development and Labor.

SB 6526 by Senators Anderson, Hansen, Gaspard, Barr, Bauer, Benitz, Bailey, Warnke, Sutherland and Newhouse

AN ACT Relating to the registration of plant protection products for minor uses; adding new sections to chapter 15.58 RCW; and providing an expiration date.

Referred to Committee on Agriculture.

SB 6527 by Senators Kreidler and Bailey

AN ACT Relating to insurance for foster parents; adding a new section to chapter 74.14B RCW; and creating a new section.

Referred to Committee on Children and Family Services.

SB 6528 by Senator Patterson

AN ACT Relating to qualifications for a vessel pilots' license; and amending RCW 88.16.090.

Referred to Committee on Transportation.

SB 6529 by Senators Warnke and Rasmussen

AN ACT Relating to wild mushroom sales; and amending RCW 15.90.010, 15.90.020, 15.90.030, 15.90.040, and 15.90.900.

Referred to Committee on Agriculture.

SB 6530 by Senators Moore, Johnson, Rasmussen and von Reichbauer

AN ACT Relating to the salary allocation schedule; amending RCW 28A.41.112; and creating a new section.

Referred to Committee on Education.

SB 6531 by Senator Patterson

AN ACT Relating to port district road improvements; and adding new sections to chapter 53.08 RCW.

Referred to Committee on Transportation.

SB 6532 by Senators Wojahn, Bailey and Rinehart

AN ACT Relating to an in-service training program on academic efficiency and classroom management for teachers; creating a new section; and making an appropriation.

Referred to Committee on Education.

SB 6533 by Senators Owen, Craswell, Bauer, Gaspard, Bailey and Stratton

AN ACT Relating to school suspension; and adding a new section to Title 28A RCW.

Referred to Committee on Education.

SB 6534 by Senators McMullen, Warnke, Lee, Vognild and Rasmussen (by request of Department of Labor and Industries)

AN ACT Relating to workers' compensation benefits; amending RCW 51.32.050, 51.32.060, and 51.32.090; and providing an effective date.

Referred to Committee on Economic Development and Labor.

SB 6535 by Senators Lee and Smitherman

AN ACT Relating to private activity bond allocation ceilings; and amending RCW 39.86.120.

Referred to Committee on Economic Development and Labor.

SB 6536 by Senators McDonald, Bluechel, Talmadge, Anderson, Vognild, Kreidler, McMullen, Bailey, Gaspard, Metcalf and Warnke (by request of Department of Natural Resources)

AN ACT Relating to purchase of state forest lands; amending RCW 76.12.030 and 76.12.080; reenacting and amending RCW 76.12.120; adding new sections to chapter 76.12 RCW; and repealing RCW 76.12.100.

Referred to Committee on Ways and Means.

SB 6537 by Senators Smith, Stratton, Vognild, Bailey, Craswell and Rasmussen

AN ACT Relating to dependent children; adding new sections to chapter 74.13 RCW; adding a new section to chapter 13.32A RCW; adding a new section to chapter 13.34 RCW; making appropriations; creating new sections; and providing an effective date.

Referred to Committee on Children and Family Services.

SB 6538 by Senators Smith, Stratton, Vognild, Bailey, Craswell and Rasmussen

AN ACT Relating to termination of parental rights; amending RCW 13.34.020, 13.34.130, and 13.34.190; and making an appropriation.

Referred to Committee on Children and Family Services.

SB 6539 by Senator Metcalf

AN ACT Relating to drainage of waters in natural watercourses; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6540 by Senators Metcalf and Saling

AN ACT Relating to solid waste and recycling on college campuses; and adding new sections to chapter 70.95 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6541 by Senators Saling, Stratton and McCaslin

AN ACT Relating to notice to owners of vehicles within emission contributing areas; and amending RCW 46.16.015.

Referred to Committee on Transportation.

SB 6542 by Senators Smith, Vognild, Bailey, Stratton, Talmadge, Gaspard, Murray, Rinehart, Johnson, Lee, Nelson, Patrick, Amondson, Niemi, Fleming, Bauer, West and Sutherland

AN ACT Relating to early intervention services for infants and toddlers with disabilities and their families; adding a new chapter to Title 70 RCW; making an appropriation; and providing an effective date.

Referred to Committee on Children and Family Services.

SB 6543 by Senators Hansen, Rasmussen, Saling, Barr, Stratton, Moore, Vognild, Niemi and Johnson

AN ACT Relating to sales of liquor and motor vehicle fuel; adding a new section to chapter 19.120 RCW; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Transportation.

SB 6544 by Senators Hansen, Rasmussen, Barr, Madsen, Moore, Talmadge, Vognild, Bauer, Warnke, Wojahn, Gaspard, Stratton and Bailey

AN ACT Relating to deduction of dues to an association of producers; and adding new sections to chapter 15.83 RCW.

Referred to Committee on Agriculture.

SB 6545 by Senators Nelson, Talmadge, Metcalf, West and Rasmussen

AN ACT Relating to campaign contribution reports; and amending RCW 42.17.080 and 42.17.090.

Referred to Committee on Law and Justice.

SB 6546 by Senator Lee

AN ACT Relating to employment policies; reenacting and amending RCW 43.88.160; adding a new section to chapter 28B.16 RCW; and adding a new section to chapter 41.06 RCW.

Referred to Committee on Economic Development and Labor.

SB 6547 by Senators Newhouse, Benitz, McDonald, Anderson, Sellar, Barr, Patterson, Hayner, Smith, Johnson, Talmadge, Hansen, Niemi, Stratton, Gaspard, Patrick, Amondson and Bailey

AN ACT Relating to state appropriations for local government assistance; amending RCW 82.44.150 and 82.44.160; adding a new section to chapter 82.14 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6548 by Senators Nelson and Rinehart

AN ACT Relating to credit agreements; adding new sections to chapter 19.36 RCW; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6549 by Senators Smith, Sutherland and Bauer

AN ACT Relating to compensation of public utility district employees; and amending RCW 54.16.100.

Referred to Committee on Governmental Operations.

SB 6550 by Senators Williams, Rasmussen, Fleming, Murray, Warnke, Hansen, Bender and Rinehart

AN ACT Relating to property insurance; and adding a new section to chapter 48.30 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 6551 by Senator Warnke

AN ACT Relating to death and disability benefits; amending RCW 41.26.150, 41.26.160, and 41.26.510; and reenacting and amending RCW 41.26.470.

Referred to Committee on Ways and Means.

SB 6552 by Senators Saling, West and Rasmussen

AN ACT Relating to exemption from execution; and adding a new section to chapter 6.17 RCW.

Referred to Committee on Law and Justice.

SB 6553 by Senators Saling, Stratton and Hansen

AN ACT Relating to the operation of branch campuses; amending RCW 28B.45.010, 28B.45.020, 28B.45.030, 28B.45.040, and 28B.45.050; and adding new sections to chapter 28B.45 RCW.

Referred to Committee on Higher Education.

SB 6554 by Senators Saling, Stratton, Cantu, von Reichbauer, Johnson and Rasmussen

AN ACT Relating to degrees offered at branch campuses; adding a new section to chapter 28B.45 RCW; and creating a new section.

Referred to Committee on Higher Education.

SB 6555 by Senators Bailey, Rinehart, Gaspard, Murray, Patterson, Bauer, Craswell and Warnke

AN ACT Relating to school and educational service districts' employee attendance incentive programs; and amending RCW 28A.21.360 and 28A.58.096.

Referred to Committee on Education.

SB 6556 by Senators Kreidler and Moore

AN ACT Relating to disposition of certain normal school fund revenues; and amending RCW 28B.35.751.

Referred to Committee on Ways and Means.

SB 6557 by Senator McCaslin

AN ACT Relating to fire protection district service charges; amending RCW 52.18.010, 52.18.020, 52.18.030, 52.18.040, 52.18.050, 52.18.060, 52.18.065, 52.18.070, and 52.18.080; and adding a new section to chapter 52.18 RCW.

Referred to Committee on Governmental Operations.

SB 6558 by Senators Conner, Thorsness, McMullen and Sellar (by request of Department of Licensing)

AN ACT Relating to the examination for the renewal of a driver's license; and amending RCW 46.20.120.

Referred to Committee on Transportation.

SB 6559 by Senators Sellar, Kreidler and Metcalf (by request of Parks and Recreation Commission)

AN ACT Relating to reimbursement for costs of plan review and construction approval of winter recreational facilities; and amending RCW 70.88.070.

Referred to Committee on Environment and Natural Resources.

SB 6560 by Senators Nelson, Madsen and Rasmussen (by request of Department of Licensing)

AN ACT Relating to odometers; amending RCW 46.12.030, 46.12.050, 46.12.101, 46.12.120, and 46.70.120; adding a new section to chapter 46.12 RCW; repealing RCW 46.12.125; making an appropriation; declaring an emergency; and providing an effective date.

Referred to Committee on Transportation.

SB 6561 by Senators Newhouse, Madsen, Barr, Warnke and Amondson

AN ACT Relating to horses used for recreational purposes; and amending RCW 46.25.050.

Referred to Committee on Transportation.

SB 6562 by Senators Craswell, Smitherman, Owen and Kreidler

AN ACT Relating to superior courts; amending RCW 2.08.062 and 2.08.065; and creating a new section.

Referred to Committee on Law and Justice.

SB 6563 by Senators Vognild, Smith, Bailey and Stratton

AN ACT Relating to families in conflict; and amending RCW 13.32A.050 and 13.32A.060.

Referred to Committee on Children and Family Services.

SB 6564 by Senators von Reichbauer, McMullen and Johnson

AN ACT Relating to the application of the insurance code to the pooling of funds to pay claims of commercial fishers; and amending RCW 48.01.050.

Referred to Committee on Financial Institutions and Insurance.

SB 6565 by Senators Barr, Hansen, Newhouse and Rinehart

AN ACT Relating to the uniform commercial code central filing system for agricultural products; and amending RCW 62A.9-307, 62A.9-402, and 62A.9-407.

Referred to Committee on Agriculture.

SB 6566 by Senators Williams, McMullen, Murray, Lee and Smitherman (by request of Department of Labor and Industries)

AN ACT Relating to the imposition of civil penalties for violation of the industrial welfare statutes; amending RCW 49.12.170; adding new sections to chapter 49.12 RCW; repealing RCW 49.12.161; and prescribing penalties.

Referred to Committee on Economic Development and Labor.

SB 6567 by Senators Lee and Smitherman (by request of Employment Security Department)

AN ACT Relating to base year wages for unemployment compensation; reenacting and amending RCW 50.04.030; creating a new section; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 6568 by Senators Lee and Smitherman (by request of Employment Security Department)

AN ACT Relating to unemployment compensation overpayments; amending RCW 50.20.160 and 50.20.190; and creating a new section.

Referred to Committee on Economic Development and Labor.

SB 6569 by Senators Lee and Smitherman (by request of Employment Security Department)

AN ACT Relating to disqualification from unemployment compensation benefits; amending RCW 50.20.010 and 50.20.060; adding a new section to chapter 50.20 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 6570 by Senator Hansen

AN ACT Relating to disqualification of judges; amending RCW 4.12.040 and 4.12.050; and repealing RCW 3.20.100.

Referred to Committee on Law and Justice.

SB 6571 by Senators Newhouse and Rinehart

AN ACT Relating to interpreters in legal proceedings; and amending RCW 2.42.220.

Referred to Committee on Law and Justice.

SB 6572 by Senators Benitz, Williams, Patrick, Stratton and Sutherland

AN ACT Relating to fraud in obtaining telecommunications services; amending RCW 9.45.240 and 9.26A.090; adding a new section to chapter 9.26A RCW; adding a new section to Title 7 RCW; recodifying RCW 9.45.180, 9.45.190, and 9.45.240; and prescribing penalties.

Referred to Committee on Energy and Utilities.

SB 6573 by Senators Benitz, Williams, Patrick and Stratton

AN ACT Relating to the administration of the energy facility site evaluation council; amending RCW 43.21F.035, 43.21F.045, 80.50.030, and 80.50.040; and creating new sections.

Referred to Committee on Energy and Utilities.

SB 6574 by Senators Lee, Smitherman, West, McCaslin, Murray, Williams, Amondson and Anderson

AN ACT Relating to the Washington state housing finance commission; and amending RCW 43.180.020.

Referred to Committee on Economic Development and Labor.

SB 6575 by Senators Benitz and Williams (by request of Department of Ecology)

AN ACT Relating to liability requirements for nuclear operations; and amending RCW 43.200.200 and 43.200.210.

Referred to Committee on Energy and Utilities.

SB 6576 by Senator Metcalf

AN ACT Relating to the harvesting of wild mushrooms; and amending RCW 15.90.010, 15.90.020, 15.90.030, and 15.90.040.

Referred to Committee on Environment and Natural Resources.

SB 6577 by Senators Metcalf, Kreidler and Benitz

AN ACT Relating to the committee for recycling markets; and amending RCW 43.31.556.

Referred to Committee on Environment and Natural Resources.

SB 6578 by Senators Metcalf, Anderson and Bailey

AN ACT Relating to procurement of recycled paper products; adding new sections to chapter 43.19 RCW; and adding new sections to chapter 70.95C RCW.

Referred to Committee on Environment and Natural Resources.

SB 6579 by Senators Metcalf, Benitz, Anderson and Bailey

AN ACT Relating to recycled newsprint; amending RCW 70.95.030; adding new sections to chapter 70.95 RCW; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SB 6580 by Senator Lee

AN ACT Relating to increasing the limitation on net receipts for fund raising events conducted by bona fide charitable or nonprofit organizations to twenty-five thousand dollars; and amending RCW 9.46.0233.

Referred to Committee on Economic Development and Labor.

SB 6581 by Senator Lee

AN ACT Relating to inmate work programs; amending RCW 72.09.100; adding a new section to chapter 72.09 RCW; adding a new section to chapter 50.24 RCW; adding a new section to chapter 51.16 RCW; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Economic Development and Labor.

SB 6582 by Senator Lee

AN ACT Relating to discrimination by clubs; and amending RCW 66.24.450.

Referred to Committee on Economic Development and Labor.

SB 6583 by Senators McDonald, Metcalf, Sutherland, Barr, Amondson, Benitz, Warnke and Johnson

AN ACT Relating to air pollution control authorities; amending RCW 70.94.431; adding a new section to chapter 70.94 RCW; and repealing RCW 70.94.0935.

Referred to Committee on Environment and Natural Resources.

SB 6584 by Senators Gaspard, Murray, Bailey, Talmadge, Bender, Warnke, Rinehart, Bauer and Sutherland

AN ACT Relating to the ratio of certificated instructional staff to students; amending RCW 28A.41.140; and creating a new section.

Referred to Committee on Education.

SB 6585 by Senator Metcalf

AN ACT Relating to the excise tax on enhanced food fish; and amending RCW 82.27.020.

Referred to Committee on Environment and Natural Resources.

SB 6586 by Senators Nelson and Rasmussen

AN ACT Relating to marriage license application; and amending RCW 26.04.160.

Referred to Committee on Law and Justice.

SB 6587 by Senators Nelson and McDonald

AN ACT Relating to sexual exploitation of children; amending RCW 9.68A.110; and repealing RCW 9.68A.140, 9.68A.150, and 9.68A.160.

Referred to Committee on Law and Justice.

SB 6588 by Senator Nelson

AN ACT Relating to live performances; and amending RCW 7.48.050, 7.48.052, 7.48-054, 7.48A.010, and 7.48A.020.

Referred to Committee on Law and Justice.

SJM 8019 by Senators Benitz, Hansen, Newhouse, Stratton, Hayner, Bluechel, Metcalf and Vognild

Requesting Congress to locate the plutonium-238 mission at Hanford.

Referred to Committee on Energy and Utilities.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1176 by Representatives Nelson, May, Jacobsen, Crane and Miller (by request of Washington State Energy Office)

Creating the energy efficiency account.

Referred to Committee on Ways and Means.

HB 1223 by Representatives R. Fisher, McLean, Fraser and Miller (by request of Secretary of State)

Removing the secretary of state from filing of interlocal cooperation agreements.

Referred to Committee on Governmental Operations.

EHB 1226 by Representatives R. Fisher, McLean, Anderson and Miller (by request of Secretary of State)

Requiring lists of electors and presidential candidates.

Referred to Committee on Governmental Operations.

ESHB 1237 by Committee on Judiciary (originally sponsored by Representatives Appelwick, Patrick, Crane, Moyer, Scott and Schmidt)

Changing allowable fees charged by clerks of the superior court.

Referred to Committee on Law and Justice.

SHB 1257 by Committee on Transportation (originally sponsored by Representatives Gallagher, S. Wilson, Baugher, Crane, R. Meyers, Day, Cantwell, Walk, Haugen and R. Fisher)

Regulating overdimensional load service.

Referred to Committee on Transportation.

MOTION

At 10:08 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:06 a.m. by President Pritchard.

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

THIRD READING

SENATE BILL NO. 5059, by Senators Smith, Rasmussen, Metcalf, Benitz, Amondson, Anderson, Thorsness and Sutherland

Providing for a steelhead punchcard for persons under age fifteen.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5059.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5059 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Hayner - 1.

Excused: Senators Fleming, Lee, Owen - 3.

SENATE BILL NO. 5059, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 5064, by Senators Smith, Rasmussen, Metcalf and Benitz

Requiring licensing of salmon guides.

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

Debate ensued.

MOTION

On motion of Senator Anderson, Senator Hayner was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5064.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5064 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Fleming, Hayner, Lee, Owen - 4.

SENATE BILL NO. 5064, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5087, by Committee on Environment and Natural Resources (originally sponsored by Senators Bender, Warnke, Rasmussen, Vognild, Owen and Conner)

Dealing with game and game fish.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5087.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5087 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Fleming, Hayner, Lee, Owen - 4.

SUBSTITUTE SENATE BILL NO. 5087, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5131, by Committee on Governmental Operations (originally sponsored by Senator McCaslin)

Providing a limitation on the raising of local improvement district assessments.

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

Debate ensued.

POINT OF INQUIRY

Senator Smitherman: "Senator McCaslin, under the current procedures for LID formations, once it has been put in place and the people have been notified and agreed to an assessment, if someone else comes in and says that they want to participate and as you say it might cause the rate of assessment to go up, are the

people notified of that and given the opportunity to reject it and that type of thing? In other words, are they participating in the decision as they go along currently?"

Senator McCaslin: "They were not and my understanding is if you bring in additional property and want to increase the assessment, then you would have to go back through the procedure again, because it wouldn't be fair for you to agree to a cost and to a new installation of a sewer and then I'll put my property in and now you have to pay another thousand dollars. That's the purpose of it and that's what Spokane County has done."

MOTION

On motion of Senator Anderson, Senator Matson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5131.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5131 and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Johnson, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senator Moore - 1.

Excused: Senators Fleming, Hayner, Lee, Matson, Owen - 5.

SUBSTITUTE SENATE BILL NO. 5131, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 5133, by Senator McCaslin

Changing provisions regarding utility local improvement districts.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5133.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5133 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Johnson, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Fleming, Hayner, Lee, Matson, Owen - 5.

SENATE BILL NO. 5133, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 5136, by Senators Owen, Metcalf, Amondson, Moore and Smith

Creating a fish identification card to allow greater accuracy in punchcard use.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5136.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5136 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Seilar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Fleming, Lee, Matson, Owen - 4.

SENATE BILL NO. 5136, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SENATE BILL NO. 5169, by Senators Smith and Stratton (by request of Department of Social and Health Services)

Providing for revenue collection by the department of social and health services.

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

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Smith, looking at the bill summary, there is a provision here in the next to last paragraph that says, 'Where there are surviving adult children, the department may recover medical costs from estates of those sixty-five or older if the value of the estate is over \$50,000.' I don't see that in the bill anywhere. I'm not real keen on that provision and I'm glad it is not in the bill, but I'd like to have you reassure me about that."

Senator Smith: "Senator Talmadge, I can't say it isn't, because it came from last year. If you want to set the bill down, it is a department bill--it was their request--and yes, it was to be \$50,000. So, if it is missing in this amended draft, I have no trouble with setting the bill down and getting the department to clarify that with us."

Senator Talmadge: "I would be curious about it, because I think I do have some concerns about whether or not we should be pursuing those people who are the recipients of medical costs after they are dead."

Senator Smith: "I think what you did is that you voted on this bill in this form last year and you were one of the 'yes' votes, so if somehow you and I missed it last year and there was a technical error, we would certainly want to fix it, so let's set it down and take a look at it."

Senator Talmadge: "I think it may be a technical error in the bill description."

MOTION

On motion of Senator Newhouse, further consideration of Engrossed Senate Bill No. 5169 was deferred.

MOTION

On motion of Senator Newhouse, Engrossed Senate Bill No. 5226, which was on the third reading calendar, was referred to the Committee on Higher Education.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5227, by Committee on Higher Education (originally sponsored by Senators Saling, Bauer, Patterson, Stratton, Smitherman, Williams, Lee and Hansen)

Establishing a state writing project to train educators.

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

Debate ensued.

MOTION

On motion of Senator Talmadge, Senator Bauer was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5227.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5227 and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Absent: Senator Warnke - 1.

Excused: Senators Bauer, Fleming, Lee, Matson, Owen - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5227, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5285, by Committee on Financial Institutions and Insurance (originally sponsored by Senators Owen, McCaslin and Kreidler)

Providing that certain covenants survive a tax foreclosure sale.

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

Debate ensued.

POINT OF INQUIRY

Senator Moore: "Senator von Reichbauer, does this bill in any way allow eligible covenants that we know now exist to continue with the property?"

Senator von Reichbauer: "No."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5285.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5285 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Bauer, Fleming, Lee, Matson, Owen - 5.

SUBSTITUTE SENATE BILL NO. 5285, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5299, by Committee on Governmental Operations (originally sponsored by Senators Thorsness, DeJarnatt, Rasmussen and Smith) (by request of Secretary of State)

Permitting voters to receive assistance in voting.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5299.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5299 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Metcalf - 1.

Excused: Senators Fleming, Lee, Matson, Owen - 4.

SUBSTITUTE SENATE BILL NO. 5299, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 5354, by Senators McDonald, Bluechel, Rasmussen, McMullen and Anderson

Providing for caseload forecasting in the office of financial management.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5354.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5354 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Fleming, Lee, Matson, Owen - 4.

SENATE BILL NO. 5354, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SENATE BILL NO. 5478, by Senators Amondson, Owen, Metcalf, Kreidler, DeJarnatt, McMullen and Smith

Creating a two-day steelhead punchcard.

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

Debate ensued.

MOTIONS

On motion of Senator Bender, Senator Bauer was excused.

On motion of Senator Anderson, Senator Barr was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5478.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5478 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Excused: Senators Barr, Bauer, Fleming, Lee, Matson, Owen - 6.

ENGROSSED SENATE BILL NO. 5478, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the first order of business.

REPORT OF STANDING COMMITTEE

January 16, 1990

SSB 5594 Prime Sponsor, Committee on Health Care and Corrections: Allowing prescriptions to be filled across state borders. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Referred to Committee on Rules for second reading.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Transportation was relieved of further consideration of Senate Bill No. 6220.

On motion of Senator Newhouse, Senate Bill No. 6220 was referred to the Committee on Education.

MOTION

At 11:58 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, January 19, 1990.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

TWELFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 19, 1990

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Fleming, Hansen, Lee, McMullen, Owen, Smith and Sutherland. On motion of Senator Bender, Senators Fleming, Hansen, McMullen, Owen and Sutherland were excused. On motion of Senator Anderson, Senators Barr, Lee and Smith were excused.

The Sergeant at Arms Color Guard, consisting of Pages Samantha Givens and Heidi Jo Young, presented the Colors. Sister Georgette Bayless, director of pastoral care, St. Peter Hospital of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 18, 1990

SB 5007 Prime Sponsor, Senator Lee: Establishing the international marketing internship program. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5007 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, Matson, Murray, Saling, Smitherman, Warnke, West.

Referred to Committee on Ways and Means.

January 16, 1990

SSB 5148 Prime Sponsor, Committee on Financial Institutions and Insurance: Regulating automobile rental liability. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Second Substitute Senate Bill No. 5148 be substituted therefor, and the second substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, McMullen, Matson, Moore, Rasmussen, Smitherman, West.

Referred to Committee on Rules for second reading.

January 18, 1990

SB 5404 Prime Sponsor, Senator McDonald: Revising requirements for natural resources conservation areas. Reported by Committee on Rules

MAJORITY recommendation: That the bill be referred to the Committee on Ways and Means. Signed by Senators Anderson, Cantu, Johnson, Newhouse, Rasmussen, Rinehart, Vognild, Warnke, Wojahn.

Referred to Committee on Ways and Means.

January 18, 1990

SSB 5772 Prime Sponsor, Committee on Health and Long-Term Care: Regarding out-of-state pharmacies. Reported by Committee on Rules

MAJORITY recommendation: That the bill be referred to the Committee on Health and Long-Term Care. Signed by Senators Anderson, Cantu, Johnson, Newhouse, Rasmussen, Rinehart, Vognild, Warnke, Wojahn.

Referred to Committee on Health and Long-Term Care.

January 18, 1990

SB 6166 Prime Sponsor, Senator Newhouse: Funding retired senior volunteer programs. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6166 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Referred to Committee on Rules for second reading.

January 16, 1990

SB 6167 Prime Sponsor, Senator von Reichbauer: Regulating motor vehicle brokering and subleasing. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6167 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, McMullen, Moore, Rasmussen, Smitherman, West.

Referred to Committee on Rules for second reading.

January 16, 1990

SB 6192 Prime Sponsor, Senator West: Revising provisions for substitution of generic drugs. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Referred to Committee on Rules for second reading.

January 18, 1990

SB 6236 Prime Sponsor, Senator Nelson: Specifying how offender scores for residential burglary shall be calculated. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Referred to Committee on Rules for second reading.

January 18, 1990

SB 6259 Prime Sponsor, Senator Nelson: Changing provisions relating to criminal offenders. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6259 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Referred to Committee on Rules for second reading.

January 16, 1990

SB 6389 Prime Sponsor, Senator Nelson: Revising the Washington business corporation act. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6389 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Referred to Committee on Rules for second reading.

January 16, 1990

SB 6390 Prime Sponsor, Senator Nelson: Modifying marital deduction provisions regarding qualified domestic trusts. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6390 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Referred to Committee on Rules for second reading.

January 16, 1990

SB 6391 Prime Sponsor, Senator Nelson: Correcting internal revenue code references in the estate and transfer tax statutes. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Referred to Committee on Rules for second reading.

January 16, 1990

SB 6392 Prime Sponsor, Senator Nelson: Amending requisites of wills. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Referred to Committee on Rules for second reading.

January 16, 1990

SB 6393 Prime Sponsor, Senator Nelson: Exempting certain retirement benefits from execution, attachment, garnishment, or seizure. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6393 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Referred to Committee on Rules for second reading.

January 16, 1990

SB 6394 Prime Sponsor, Senator Nelson: Modifying provisions regarding escheat property and small estates. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Referred to Committee on Rules for second reading.

January 16, 1990

SB 6396 Prime Sponsor, Senator Nelson: Revising the deed of trust act. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Referred to Committee on Rules for second reading.

January 18, 1990

SB 6443 Prime Sponsor, Senator Owen: Clarifying the 1989 appropriation for dredging Grays Harbor. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6443 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu,

Gaspard, Johnson, Moore, Newhouse, Niemi, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Referred to Committee on Rules for second reading.

January 18, 1990

SB 6510 Prime Sponsor, Senator Benitz: Revising provisions for registration of telecommunication companies. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Nelson, Patrick, Stratton, Sutherland.

Referred to Committee on Rules for second reading.

January 18, 1990

SB 6511 Prime Sponsor, Senator Benitz: Revising due dates for payment of regulatory fees. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Nelson, Patrick, Stratton, Sutherland.

Referred to Committee on Rules for second reading.

January 18, 1990

SB 6512 Prime Sponsor, Senator Benitz: Limiting regulation of radio communications services. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Nelson, Patrick, Stratton, Sutherland.

Referred to Committee on Rules for second reading.

January 17, 1990

SB 6577 Prime Sponsor, Senator Metcalf: Extending the termination date for the committee for recycling markets. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Patterson, Sutherland.

Referred to Committee on Rules for second reading.

January 18, 1990

SB 6583 Prime Sponsor, Senator McDonald: Changing provisions relating to air pollution control authorities. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Barr, Benitz, DeJarnatt, Kreidler, Patterson, Sutherland.

Referred to Committee on Rules for second reading.

January 18, 1990

SJM 8019 Prime Sponsor, Senator Benitz: Requesting Congress to locate the plutonium-238 mission at Hanford. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Nelson, Patrick, Stratton.

Referred to Committee on Rules for second reading.

January 18, 1990

HB 1307 Prime Sponsor, Representative Phillips: Revising assessment levels for equalizing personal property. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Johnson, Lee, Moore, Niemi, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Referred to Committee on Rules for second reading.

January 18, 1990

ESHB 2198 Prime Sponsor, Committee on Energy and Utilities: Pertaining to energy efficiency and conservation. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Nelson, Patrick, Stratton, Sutherland.

Referred to Committee on Ways and Means.

MOTION

At 10:09 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 10:18 a.m. by President Pro Tempore Bluechel.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
THE SUPREME COURT
Temple of Justice
Olympia, Washington 98504

January 16, 1990

Dear State Legislator:

As Chairperson of the Washington State Minority and Justice Task Force, I am forwarding to you the report on the "1988 Public Forums on Racial/Ethnic Bias in the State Court System." This publication will serve as a companion report to the Task Force's report to the State Legislature which is expected to be released later this month.

If you wish additional information of the Task Force's activities, I will be pleased to discuss these matters with you. My telephone number is (206) 357-2054. Our Project Director, Ms. Desiree B. Leigh, will also be available to provide information and assistance. Her telephone number is (206) 625-0268.

Respectfully yours,
CHARLES Z. SMITH
Justice

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504

January 12, 1990

Mr. Gordon A. Golob
Secretary of the Senate
Legislative Building
Olympia, Washington 98504

Dear Mr. Golob:

Enclosed is our "Risk Assessment Legislative Report" to the Legislature as required by Chapter 503, Laws of 1987 (Section 2).

If you have any questions about this report, please contact me.

Sincerely,
RICHARD J. THOMPSON
Secretary

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504

g January 12, 1990

Mr. Gordon A. Golob
Secretary of the Senate
Legislative Building
Olympia, Washington 98504
Dear Mr. Golob:

Enclosed is our "Service Enhancement by Expenditure Shifting (SEBES) - Progress Report" to the Legislature as required by Chapter 19, Laws of 1989, El.

If you have any questions about this report, please contact me.

Sincerely,
RICHARD J. THOMPSON
Secretary

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
WASHINGTON BASIC HEALTH PLAN
1220 Eastside Street SE
Olympia, Washington 98504

January, 1990

Honorable Booth Gardner, Governor of the State of Washington
Honorable Members of the Washington State Senate
Honorable Members of the Washington State House of Representatives

Dear Governor Gardner and Members of the 1990 Legislature:

The Washington Basic Health Plan has two primary goals: (1) to deliver health coverage to low-income citizens of our state in an affordable and cost-effective manner, and (2) to help Washington's leaders learn more about the costs and benefits of state-subsidized health care coverage. We take both of these responsibilities very seriously. We want to develop a sound program that has lasting value, both for the citizens who depend on us for their health coverage and for the policymakers who depend on us for information.

It's an exciting time for the Washington Basic Health Plan. We've been lauded on the CBS Evening News and praised in the editorial pages of the New York Times. We've been visited by emissaries from Canada, Holland and Sweden, and we've even been interviewed by Radio Free Moscow. Other states contact us continually, and many are drafting legislation that follows Washington's Health Care Access Act of 1987.

Most important, our own Legislature is looking to us to create a model that can contribute toward decisions about the future of health care policy in Washington state. We appreciate your continuing encouragement of our efforts and we work hard to meet your expectations. I am grateful for your review of this annual report and would welcome any comments you may have.

Sincerely,
THOMAS L. KOBLER
Director

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504

January 18, 1990

Gordon A. Golob
Secretary of the Senate
Legislative Building
Olympia, Washington 98504
Dear Secretary Golob:

Enclosed is our Report to the Legislature on the future status of Division of Juvenile Rehabilitation programs and facilities as required by Chapter 19, Laws of 1989.

If you have any questions regarding this report, please contact me.

Sincerely,
RICHARD J. THOMPSON
Secretary

The Select Committee Report is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 6589 by Senators von Reichbauer, Moore and Johnson

AN ACT Relating to title insurers; and amending RCW 48.29.040.

Referred to Committee on Financial Institutions and Insurance.

SB 6590 by Senators West, Lee and Johnson

AN ACT Relating to minimum wage laws; amending RCW 49.46.100 and 49.48.020; adding a new section to chapter 49.46 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 6591 by Senators Rasmussen, Johnson, Moore, Niemi, von Reichbauer and Smith (by request of Joint Committee on Pension Policy)

AN ACT Relating to the law enforcement officers' and fire fighters' retirement system; amending RCW 41.26.030 and 41.54.010; adding a new section to chapter 41.40 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6592 by Senators Johnson, Rasmussen, Moore, Niemi, Nelson, Bauer, Hayner, Patrick, Saling, Smith and Sutherland (by request of Joint Committee on Pension Policy)

AN ACT Relating to survivor benefit options offered by the department of retirement systems; amending RCW 2.10.146, 41.26.460, 41.32.498, 41.32.530, 41.32.785, 41.40.185, 41.40.190, 41.40.660, 41.40.270, 41.32.497, 2.10.144, 41.26.510, 41.32.520, 41.32.805, and 41.40.700; reenacting and amending RCW 41.40.150; adding a new section to chapter 41.40 RCW; creating new sections; and repealing RCW 41.32.493, 41.32.4932, and 41.40.508.

Referred to Committee on Ways and Means.

SB 6593 by Senators Nelson, Johnson, Moore, Niemi, Bauer, Rasmussen, Patrick and Smith (by request of Joint Committee on Pension Policy)

AN ACT Relating to determination of benefits under state retirement systems; amending RCW 41.32.010, 41.40.450, 41.04.445, 41.32.350, 41.32.403, 41.32.775, 41.40.120, 41.40.690, 41.26.500, 41.32.800, 2.10.155, and 41.32.780; reenacting and amending RCW 41.40.010 and 41.32.005; adding a new section to chapter 41.32 RCW; creating new sections; repealing section 3, chapter 289, Laws of 1989 (uncodified); making an appropriation; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6594 by Senators Johnson, Saling, Moore, Niemi, Nelson, Bauer, Rasmussen, Patrick and Smith (by request of Joint Committee on Pension Policy)

AN ACT Relating to administration of the department of retirement systems; amending RCW 41.50.110 and 41.40.330; adding a new section to chapter 41.50 RCW; adding a new section to Title 28A RCW; creating a new section; repealing RCW 41.26.085; and making an appropriation.

Referred to Committee on Ways and Means.

SB 6595 by Senators Newhouse, Benitz, Matson, Madsen, Bauer, Hansen, Saling, Anderson, Thorsness and Smith

AN ACT Relating to creating a boot camp pilot program for offenders; amending RCW 9.94A.120; adding a new section to chapter 72.02 RCW; creating new sections; making an appropriation; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6596 by Senators Newhouse, Benitz, Hansen and Saling

AN ACT Relating to drug offenses; amending RCW 9.94A.360, 46.20.285, and 13.40.110; reenacting and amending RCW 9.94A.320; adding new sections to chapter 46.16 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6597 by Senators Warnke and Sutherland

AN ACT Relating to crime victims' assistance; and amending RCW 7.68.085 and 70.47.060.

Referred to Committee on Economic Development and Labor.

SB 6598 by Senators Patrick, Rasmussen, Benitz, Metcalf, Johnson, Cantu, Thorsness and Smith

AN ACT Relating to parents' rights in education; and adding new sections to Title 28A RCW.

Referred to Committee on Education.

SB 6599 by Senators Nelson, Niemi, Bluechel, Lee, Bailey, Matson, Moore, McMullen, Bender, Talmadge, Kreidler, Wojahn and Rinehart

AN ACT Relating to prohibiting interference with access to health care and health care service delivery; amending RCW 10.31.100; adding a new chapter to Title 9A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6600 by Senators Gaspard and McDonald (by request of Economic and Revenue Forecast Council)

AN ACT Relating to contribution rates to the state retirement systems; amending RCW 41.45.060; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6601 by Senators Bailey, Vognild, von Reichbauer, Madsen, Bender, Bauer, Metcalf, Hansen, Warnke, Matson, Bluechel, Conner and Saling

AN ACT Relating to equine research and education at Washington State University; adding a new section to chapter 28B.30 RCW; creating a new section; and making an appropriation.

Referred to Committee on Higher Education.

SB 6602 by Senators Rasmussen, Newhouse, Hansen, Stratton and Thorsness

AN ACT Relating to a skilled nursing care center for veterans; adding a new section to chapter 43.60A RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 6603 by Senators Metcalf, Sutherland and Amondson (by request of Department of Wildlife)

AN ACT Relating to special hunting permits to be sold at auction, by raffle, or by sealed bid; and amending RCW 77.12.700.

Referred to Committee on Environment and Natural Resources.

SB 6604 by Senators Sutherland, Metcalf and Kreidler (by request of Department of Wildlife)

AN ACT Relating to the department of wildlife; making technical revisions and updating statutes; amending RCW 77.04.010, 77.04.055, 77.12.655, 77.32.320, 77.32.340, 77.32.350, and 77.32.360; and repealing RCW 77.12.660.

Referred to Committee on Environment and Natural Resources.

SB 6605 by Senators McCaslin, Talmadge and Amondson (by request of Department of Wildlife)

AN ACT Relating to state issued wildlife licenses or permits; and amending RCW 4.24.210.

Referred to Committee on Environment and Natural Resources.

SB 6606 by Senators Benitz, Patterson, Stratton, Newhouse, Hansen, Johnson and Smith

AN ACT Relating to the exemptions and penalties for tinting or coloring of motor vehicle windows; amending RCW 46.37.430; reenacting and amending RCW 46.63.020; adding a new section to chapter 46.37 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 6607 by Senators Williams, Murray and Bender

AN ACT Relating to unemployment compensation during labor disputes; amending RCW 50.20.090 and 50.29.020; creating new sections; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 6608 by Senators Nelson, McMullen, Patrick, Smitherman and Madsen

AN ACT Relating to enforcement of traffic violations; amending RCW 46.64.020, 46.52.020, 46.20.336, 46.20.342, 46.20.416, 46.20.420, and 46.65.090; adding a new section to chapter 46.20 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6609 by Senators Craswell, Rasmussen, Metcalf, Bailey, Stratton, Johnson and Anderson

AN ACT Relating to school districts' policies and procedures regarding educational materials; and adding a new section to Title 28A RCW.

Referred to Committee on Education.

SB 6610 by Senators Craswell, Rasmussen, Smith, Stratton, Johnson, Bailey, Smitherman and Anderson

AN ACT Relating to at-risk youth; amending RCW 13.32A.010, 13.32A.020, 13.32A.030, 13.32A.050, 13.32A.060, 13.32A.070, 13.32A.090, 13.32A.160, 13.32A.170, 13.32A.175, 13.32A.180, and 13.32A.190; reenacting and amending RCW 13.32A.250; adding new sections to chapter 13.32A RCW; repealing RCW 13.32A.040, 13.32A.100, 13.32A.110, 13.32A.120, 13.32A.130, 13.32A.140, 13.32A.150, and 13.32A.177; creating a new section; making an appropriation; and providing an effective date.

Referred to Committee on Children and Family Services.

SB 6611 by Senators Benitz, Conner, Metcalf and Hansen

AN ACT Relating to notice given to the Washington utilities and transportation commission and other private and public agencies; and adding a new section to chapter 70.95 RCW.

Referred to Committee on Energy and Utilities.

SB 6612 by Senators Patterson, Kreidler, Amondson, Metcalf, Barr and Conner

AN ACT Relating to rules of the road; and amending RCW 46.61.560.

Referred to Committee on Transportation.

SB 6613 by Senator Matson

AN ACT Relating to self-insured employers; and amending RCW 51.32.160 and 51.44.070.

Referred to Committee on Economic Development and Labor.

SB 6614 by Senators Anderson and Matson

AN ACT Relating to self-insured employers; and amending RCW 51.32.055.

Referred to Committee on Economic Development and Labor.

SB 6615 by Senators Anderson and Matson

AN ACT Relating to charges for medical examinations under industrial insurance; and amending RCW 51.36.070.

Referred to Committee on Economic Development and Labor.

SB 6616 by Senators Anderson and Matson

AN ACT Relating to industrial insurance fraud; and amending RCW 51.32.240.

Referred to Committee on Economic Development and Labor.

SB 6617 by Senators Anderson and Matson

AN ACT Relating to release of health care information under industrial insurance; and amending RCW 51.36.060.

Referred to Committee on Economic Development and Labor.

SB 6618 by Senators Anderson and Matson

AN ACT Relating to workers' compensation claim files; and amending RCW 51.28.070.

Referred to Committee on Economic Development and Labor.

SB 6619 by Senator Anderson

AN ACT Relating to liability for food donation; and adding a new section to chapter 69.80 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6620 by Senators Talmadge, Madsen, Bender, Gaspard, Warnke, Stratton, Conner, Vognild, Wojahn, Bauer, Moore, Smitherman and Bailey

AN ACT Relating to general obligation bonds; adding new sections to chapter 70.48A RCW; adding new sections to chapter 43.83 RCW; and creating new sections.

Referred to Committee on Ways and Means.

SB 6621 by Senators Talmadge, Madsen, Bender, Stratton, Gaspard, Conner, Warnke, Murray, Wojahn, Vognild, Bauer, Rinehart, Moore, Smitherman, Sutherland and Bailey

AN ACT Relating to enhancing criminal justice programs; creating new sections; making an appropriation; and prescribing an expiration date.

Referred to Committee on Ways and Means.

SB 6622 by Senators Rasmussen, Hansen, Williams, Vognild, Rinehart, Talmadge, Niemi, Kreidler and Conner

AN ACT Relating to employer obligations to reduce the impact on employees and communities from reductions in business operations; adding a new chapter to Title 49 RCW; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 6623 by Senators Talmadge, Madsen, Conner, Rasmussen, Moore and Smitherman

AN ACT Relating to the department of justice; amending RCW 43.17.010, 43.17.020, 7.68.020, 9.94A.040, 9.94A.060, 9.94A.160, 9.94A.165, 9.94A.250, 9.95.001, 10.98.140, 10.98.160, 13.40.025, 13.40.027, 13.40.030, 13.50.010, 43.10.030, 43.10.090, 43.10.240, 43.43.010, 43.43.790, 43.43.800, 43.101.020, and 72.66.016; adding a new section to chapter 43.10 RCW; adding a

new chapter to Title 43 RCW; adding new sections to chapter 72.09 RCW; creating a new section; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6624 by Senators McDonald and Stratton (by request of Office of Financial Management)

AN ACT Relating to administration of the family independence program; amending RCW 74.21.020, 74.21.030, 74.21.040, 74.21.050, 74.21.070, and 74.21.190; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6625 by Senators von Reichbauer, Smitherman and Johnson

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

Referred to Committee on Higher Education.

SB 6626 by Senators Conner, Barr, Saling, Benitz and DeJarnatt

AN ACT Relating to higher education for placebound students; and adding a new section to chapter 28B.80 RCW.

Referred to Committee on Higher Education.

SB 6627 by Senators von Reichbauer and McMullen

AN ACT Relating to obsolete provisions of state ferry laws; amending RCW 46.68.030 and 47.64.170; and repealing RCW 47.56.410, 47.56.420, 47.56.430, 47.56.440, 47.60.540, and 47.60.544.

Referred to Committee on Transportation.

SB 6628 by Senators Rasmussen, Craswell, Nelson, Stratton, Smith and Johnson

AN ACT Relating to juvenile justice; amending RCW 13.04.011, 13.04.030, 13.04.040, 13.04.093, 13.04.300, 13.04.450, 51.12.035, 72.72.020, 9.41.300, 9A.76.010, 13.50.010, 34.08.020, 13.50.050, 36.16.139, 51.12.045, and 46.20.265; reenacting and amending RCW 9.94A.030; and repealing RCW 13.40.010, 13.40.020, 13.40.025, 13.40.027, 13.40.030, 13.40.038, 13.40.040, 13.40.050, 13.40.060, 13.40.070, 13.40.080, 13.40.090, 13.40.100, 13.40.110, 13.40.120, 13.40.130, 13.40.140, 13.40.145, 13.40.150, 13.40.160, 13.40.180, 13.40.185, 13.40.190, 13.40.200, 13.40.205, 13.40.210, 13.40.220, 13.40.230, 13.40.240, 13.40.250, 13.40.265, 13.40.280, 13.40.285, 13.40.300, 13.40.400, and 9.92.200.

Referred to Committee on Law and Justice.

SB 6629 by Senator Lee

AN ACT Relating to the exemption of the developmentally disabled from prevailing wage provisions; and amending RCW 39.12.020.

Referred to Committee on Economic Development and Labor.

SB 6630 by Senators Barr and Hansen

AN ACT Relating to the subdividing of land that is in whole or in part within an irrigation district; and amending RCW 58.17.310.

Referred to Committee on Agriculture.

SB 6631 by Senators Amondson, Sutherland, Metcalf, Stratton, McCaslin, Thorsness, Craswell, Rasmussen, Hayner, Bauer, Saling, Smith, Benitz, Madsen and Johnson

AN ACT Relating to capital punishment; amending RCW 69.50.408, 69.50.435, 10.95.040, 10.95.050, 10.95.060, 10.95.070, 10.95.090, and 10.95.120; reenacting and amending RCW 9.94A.320; adding a new section to chapter 69.50 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6632 by Senators Patrick, Smitherman and Bender

AN ACT Relating to collective bargaining for local government employees; and amending RCW 41.56.030.

Referred to Committee on Governmental Operations.

SB 6633 by Senators Patrick, Nelson and Thorsness

AN ACT Relating to the forfeiture of vehicles involved in illegal transfers of controlled substances; amending RCW 69.50.101 and 69.50.505; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6634 by Senators Patrick and Rasmussen

AN ACT Relating to the office of hearing impaired services; adding new sections to chapter 43.20A RCW; and creating new sections.

Referred to Committee on Health and Long-Term Care.

SB 6635 by Senators Patrick, Rasmussen and Thorsness

AN ACT Relating to education; amending RCW 28A.05.060 and 28B.80.350; and reenacting and amending RCW 28A.70.005.

Referred to Committee on Education.

SB 6636 by Senators Patrick, Rasmussen and Thorsness

AN ACT Relating to restrictions on driver's licenses; and amending RCW 46.20.041.

Referred to Committee on Transportation.

SB 6637 by Senators Patrick, Rasmussen and Thorsness

AN ACT Relating to hearing-impaired drivers; and amending RCW 46.20.041.

Referred to Committee on Transportation.

SB 6638 by Senators Nelson, Newhouse, Johnson, Anderson, Smith, Sellar, Bailey, Saling, Benitz, Rasmussen, Amondson, Gaspard, Hansen, Madsen, Wojahn, Hayner, Thorsness and von Reichbauer

AN ACT Relating to child support payments; amending RCW 26.09.100, 26.09.170, 26.09.175, 26.19.010, 26.19.020, 26.19.040, 26.19.060, 26.16.205, 26.18.040, and 26.09.909; reenacting and amending RCW 74.20A.020; adding a new section to chapter 26.19 RCW; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6639 by Senators McDonald, McMullen, Bluechel, Niemi, Patrick, Warnke, Metcalf, Vognild, Bailey, Conner, Talmadge, Rinehart, Williams, Murray, Moore and von Reichbauer

AN ACT Relating to real estate excise taxes for the acquisition of local conservation areas; adding a new section to chapter 36.32 RCW; adding a new section to chapter 82.46 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 6640 by Senator McMullen

AN ACT Relating to expanding the use of hotel-motel tax revenues for the development of tourism strategies; and amending RCW 67.28.210.

Referred to Committee on Economic Development and Labor.

SB 6641 by Senators McMullen, von Reichbauer and Smitherman

AN ACT Relating to considerations in the granting of state ferry concessions contracts; and amending RCW 47.60.140.

Referred to Committee on Transportation.

SB 6642 by Senators McMullen and Matson

AN ACT Relating to the Washington Marketplace program; amending RCW 43.31-.522, 43.31.524, and 43.31.526; and amending section 1, chapter 417, Laws of 1989 (uncodified).

Referred to Committee on Economic Development and Labor.

SB 6643 by Senators Thorsness, Niemi, Bailey, Patrick, Metcalf, Amondson, Saling, Johnson, Bender, Sellar and Hayner

AN ACT Relating to part-time teaching employment of noncertificated persons; reenacting and amending RCW 28A.70.005; adding new sections to Title 28A RCW; and creating a new section.

Referred to Committee on Education.

SB 6644 by Senators Thorsness, Rinehart and Hayner

AN ACT Relating to inmate earned release credit; and amending RCW 9.92.151 and 9.94A.150.

Referred to Committee on Law and Justice.

SB 6645 by Senators Thorsness, Cantu, Patrick, Rasmussen, Amondson, Saling, Johnson, McCaslin, Hayner and Smith

AN ACT Relating to the reduction of the sales and use tax rate; amending RCW 82.08.020; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6646 by Senators Fleming, Niemi, Williams, Moore, Rinehart and Murray

AN ACT Relating to municipal disposition of forfeited firearms; and amending RCW 9.41.010 and 9.41.098.

Referred to Committee on Law and Justice.

SB 6647 by Senators Bailey, Gaspard, Hansen, Barr and Anderson

AN ACT Relating to the dairy products commission; amending RCW 15.44.170; adding a new section to chapter 15.44 RCW; and prescribing penalties.

Referred to Committee on Agriculture.

SB 6648 by Senators Sutherland and Metcalf

AN ACT Relating to attempts by vessel operators to elude pursuing law enforcement vessels; adding new sections to chapter 88.08 RCW; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 6649 by Senators Conner, Hansen and Bauer

AN ACT Relating to adopt-a-highway signs; and amending RCW 47.42.020 and 47.42.040.

Referred to Committee on Transportation.

SB 6650 by Senators Saling, Bauer, von Reichbauer, Smitherman, Cantu, Stratton, Patterson and Patrick

AN ACT Relating to vocational-technical institutes; and adding new sections to chapter 28B.50 RCW.

Referred to Committee on Higher Education.

SB 6651 by Senators Owen, Rasmussen, Newhouse, Johnson and Hansen

AN ACT Relating to child support; amending RCW 26.09.090, 26.09.100, 26.09.170, 26.16.205, 26.18.020, 26.19.040, and 74.20.040; and adding a new section to chapter 26.19 RCW.

Referred to Committee on Law and Justice.

SB 6652 by Senators McDonald, Gaspard and Hayner

AN ACT Relating to cigarettes without stamps; amending RCW 82.24.120 and 82.24.180; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6653 by Senators Kreidler, Metcalf and Benitz

AN ACT Relating to excise taxation of core deposits; amending RCW 70.95.610, 70.95.630, 70.95.640, and 82.04.070; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 6654 by Senators McDonald, Gaspard, Bluechel, Wojahn, Cantu, Hayner, Thorsness and Johnson

AN ACT Relating to authorizing local governments to establish public corporations to finance facilities of nonprofit corporations; adding a new chapter to Title 35 RCW; and prescribing penalties.

Referred to Committee on Ways and Means.

SB 6655 by Senator Lee

AN ACT Relating to the proceeds of construction loans; and adding a new chapter to Title 61 RCW.

Referred to Committee on Economic Development and Labor.

SB 6656 by Senators Bluechel, Gaspard and Bailey

AN ACT Relating to school impact fees; amending RCW 82.02.020; and adding a new chapter to Title 28A RCW.

Referred to Committee on Education.

SB 6657 by Senators Nelson, Talmadge, McCaslin, Thorsness, Madsen and Niemi

AN ACT Relating to district court electoral districts; amending RCW 3.38.070 and 3.34.020; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6658 by Senators Thorsness, Talmadge and Patrick

AN ACT Relating to creation of an inmate housing authority board; amending RCW 70.48.020, 70.48.100, 70.48.440, and 70.48.071; adding new sections to chapter 70.48 RCW; creating a new section; and making an appropriation.

Referred to Committee on Law and Justice.

SB 6659 by Senators Metcalf, Rasmussen, Benitz, Moore, Barr, Amondson, Bailey and Anderson

AN ACT Relating to the election of the members of the wildlife commission; amending RCW 77.04.040; adding new sections to chapter 77.04 RCW; repealing RCW 77.04.030; and providing for submission of this act to a vote of the people.

Referred to Committee on Environment and Natural Resources.

SB 6660 by Senators Metcalf, Vognild, Amondson, Bender, McCaslin, Warnke, Lee, Thorsness, Patrick and Johnson

AN ACT Relating to retaliation against employees for disclosing improper governmental action; amending RCW 42.40.020, 42.40.030, and 42.40.050; adding a new section to chapter 42.40 RCW; and prescribing penalties.

Referred to Committee on Governmental Operations.

SB 6661 by Senators McCaslin and Wojahn

AN ACT Relating to cemeteries; amending RCW 68.04.040; adding a new chapter to Title 68 RCW; recodifying RCW 68.05.420; repealing RCW 68.05.410; and prescribing penalties.

Referred to Committee on Governmental Operations.

SB 6662 by Senator Smitherman

AN ACT Relating to establishment of urban revitalization pilot projects; adding new sections to chapter 43.31 RCW; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 6663 by Senators Patterson, DeJarnatt, Thorsness and Rasmussen (by request of Department of Licensing)

AN ACT Relating to vehicle license plates and license plate emblems; amending RCW 46.16.270 and 46.16.350; adding new sections to chapter 46.16 RCW; repealing RCW 46.16.310, 46.16.311, 46.16.315, 46.16.320, 46.16.330, 46.16.620, 46.16.625, 46.16.650, and 46.16.660; making an appropriation; and providing effective dates.

Referred to Committee on Transportation.

SB 6664 by Senators McDonald, Gaspard, Warnke and Rasmussen (by request of Department of Licensing)

AN ACT Relating to the business license center act; amending RCW 19.02.030 and 19.02.070; adding a new section to chapter 19.02 RCW; repealing RCW 19.02.038 and 19.02.110; and providing an effective date.

Referred to Committee on Economic Development and Labor.

SB 6665 by Senators Nelson and Talmadge

AN ACT Relating to corporations; amending RCW 11.36.021, 18.08.420, 18.100.050, 18.100.116, 18.100.130, 18.100.133, 18.100.134, 19.02.100, 23.78.020, 23.78.030, 23.78.050, 23.78.060, 23.78.080, 23.78.100, 23.86.200, 23.86.210, 23.86.220, 23.86.230, 24.03.035, 24.03.070, 24.06.905, 24.36.090, 25.10.020, 25.10.600, 31.24.030, 31.24.150, 33.48.025, 33.48.030, 43.07.120, 43.07.130, 43.07.140, 43.07.190, 50.04.165, 61.24.010, 24.36.050, and 23B.12.010; repealing RCW 23A.32.050; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6666 by Senators Bluechel, Kreidler and Talmadge (by request of Parks and Recreation Commission)

AN ACT Relating to the scenic river system; amending RCW 79.72.030, 79.72.050, and 79.72.080; and adding new sections to chapter 79.72 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6667 by Senators McDonald, Bailey and Hayner

AN ACT Relating to enforcement of cigarette and tobacco statutes; amending RCW 19.91.010, 19.91.080, 19.91.130, 19.91.140, 19.91.180, 19.91.190, 66.28.090, 66.44.010, 66.44.370, 82.24.010, 82.24.027, 82.24.030, 82.24.040, 82.24.090, 82.24.110, 82.24.120, 82.24.130, 82.24.135, 82.24.145, 82.24.180, 82.24.190, 82.24.210, 82.24.230, 82.24.250, 82.24.260, 82.24.510, 82.24.520, 82.24.550, 82.24.560, 82.26.010, 82.26.050, 82.26.060, 82.26.080, 82.26.090, 82.26.110, and 82.26.120; adding a new section to chapter 19.91 RCW; adding a new section to chapter 82.24 RCW; adding a new section to chapter 82.26 RCW; adding a new section to chapter 82.32 RCW; creating new sections; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 6668 by Senators Newhouse, Talmadge, Patrick and von Reichbauer (by request of Department of Labor and Industries)

AN ACT Relating to eligibility for crime victims' compensation; and amending RCW 7.68.020.

Referred to Committee on Economic Development and Labor.

SB 6669 by Senators Lee, McMullen and Murray (by request of Department of Labor and Industries)

AN ACT Relating to federal employees' compensation act coverage; and amending RCW 51.12.100.

Referred to Committee on Economic Development and Labor.

SJM 8020 by Senators Thorsness, Vognild, Nelson, Bender, Amondson, Gaspard, Metcalf, Patterson, Conner, Benitz, Wojahn, Cantu, Bauer, Saling, Warnke, Johnson, Barr, Stratton, Bluechel, Smith, Kreidler, Anderson, Moore, Newhouse, Craswell, Bailey, Sellar, Sutherland, Madsen, Murray, Talmadge, West, Rasmussen and Patrick

Requesting Congress to make disclosure regarding missing in action/prisoner of war Americans.

HOLD.

SJR 8233 by Senators Murray, Bailey and Gaspard

Changing voting validation requirements for general obligation bonds for capital purposes.

Referred to Committee on Education.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9125, Ronald C. Claudon, as a member of the Board of Trustees for Green River Community College District No. 10, was confirmed.

Senators Warnke and von Reichbauer spoke to the confirmation of Ronald C. Claudon as a member of the Board of Trustees for Green River Community College.

APPOINTMENT OF RONALD C. CLAUDON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 41.

Excused: Senators Barr, Fleming, Hansen, Lee, McMullen, Owen, Smith, Sutherland - 8.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9140, Robert J. Bavasi, as a member of the Board of Trustees for Everett Community College District No. 5 was confirmed.

Senator Vognild spoke to the confirmation of Robert J. Bavasi, as a member of the Board of Trustees for Everett Community College.

APPOINTMENT OF ROBERT J. BAVASI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; absent, 1; excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 41.

Absent: Senator Hayner - 1.

Excused: Senators Barr, Fleming, Lee, McMullen, Owen, Smith, Sutherland - 7.

MOTION

On motion of Senator McCaslin, Gubernatorial Appointment No. 9145, Gregory P. Barlow, as Adjutant General of the Military Department, was confirmed.

Senator Thorsness spoke to the confirmation of Gregory P. Barlow, as Adjutant General of the Military Department.

APPOINTMENT OF GREGORY P. BARLOW

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; absent, 2; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 41.

Absent: Senators Matson, Patterson - 2.

Excused: Senators Fleming, Lee, McMullen, Owen, Smith, Sutherland - 6.

MOTIONS

On motion of Senator Newhouse, the rules were suspended and the Committee on Rules was relieved of further consideration of Senate Joint Memorial No. 8019 (referred to the Committee on Rules on the Reports of Standing Committees earlier today).

On motion of Senator Newhouse Senate Joint Memorial No. 8019 was advanced to second reading and placed on the second reading calendar.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

MOTION

On motion of Senator Bender, Senator Vognild was excused.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5479, by Committee on Environment and Natural Resources (originally sponsored by Senators Owen, Amondson, Kreidler, West and Sellar)

Establishing two recreational geoduck harvesting areas.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5479.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5479 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Excused: Senators Fleming, Lee, McMullen, Owen, Sutherland, Vognild - 6.

SUBSTITUTE SENATE BILL NO. 5479, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bauer, Senator Hansen was excused.

THIRD READING

ENGROSSED SENATE BILL NO. 5597, by Senators Nelson, West, Newhouse, Smith, Conner, Wojahn and Niemi

Limiting pharmacists' liability.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5597.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5597 and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Excused: Senators Fleming, Hansen, Lee, McMullen, Owen, Sutherland, Vognild - 7.

ENGROSSED SENATE BILL NO. 5597, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SENATE JOINT MEMORIAL NO. 8019, by Senators Benitz, Hansen, Newhouse, Stratton, Hayner, Bluechel, Metcalf and Vognild

Requesting Congress to locate the plutonium-238 mission at Hanford.

The joint memorial was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Joint Memorial No. 8019 was advanced to third reading, the second reading considered the third, and the joint memorial was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8019.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8019 and the joint memorial passed the Senate by the following vote: Yeas, 39; nays, 2; absent, 2; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Thorsness, Vogndild, von Reichbauer, Warnke, West, Wojahn - 39.

Voting nay: Senators Niemi, Williams - 2.

Absent: Senators Rinehart, Talmadge - 2.

Excused: Senators Fleming, Hansen, Lee, McMullen, Owen, Sutherland - 6.

SENATE JOINT MEMORIAL NO. 8019, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

TO: Gordon Golob, Secretary of the Senate

FROM: Senator Dean Sutherland, 17th District

SUBJECT: On 1-19-90, I missed votes on Gubernatorial Appointment No. 9125, Gubernatorial Appointment No. 9140, Gubernatorial Appointment No. 9145, Substitute Senate Bill No. 5479, Engrossed Senate Bill No. 5597 and Senate Joint Memorial No. 8019. I was excused; I had an important meeting with a constituent regarding a district project.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Health and Long-Term Care was relieved of further consideration of Senate Bill No. 6422.

On motion of Senator Newhouse, Senate Bill No. 6422 was referred to the Committee on Financial Institutions and Insurance.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 5998.

On motion of Senator Newhouse, Senate Bill No. 5998 was referred to the Committee on Ways and Means.

MOTION

At 10:58 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, January 22, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FIFTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 22, 1990

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Fleming, Hansen, Moore, Sellar and Sutherland. On motion of Senator Bender, Senators Fleming, Moore and Sutherland were excused. On motion of Senator Anderson, Senator Sellar was excused.

The Sergeant at Arms Color Guard, consisting of Pages Heather Johnson and Kathleen Jacot, presented the Colors. Reverend Randal Burtis, pastor of the Neighborhood Christian Center of Tumwater, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 18, 1990

SB 6165 Prime Sponsor, Senator Newhouse: Changing provisions relating to pro tempore service by retired judges. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6165 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Referred to Committee on Rules for second reading.

January 18, 1990

SB 6182 Prime Sponsor, Senator McCaslin: Changing the ballot title for fire protection district service charge authorizations. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6182 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Referred to Committee on Rules for second reading.

January 18, 1990

SB 6202 Prime Sponsor, Senator Lee: Establishing an international trade office in Toronto. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6202 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, Murray, Saling, Smitherman, Warnke, West.

Referred to Committee on Ways and Means.

January 19, 1990

SB 6255 Prime Sponsor, Senator Nelson: Increasing penalties for assaulting transit and school bus drivers. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6255 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Talmadge, Thorsness.

Referred to Committee on Rules for second reading.

January 18, 1990

SB 6289 Prime Sponsor, Senator Barr: Providing the director of agriculture with organizational flexibility. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6289 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Referred to Committee on Rules for second reading.

January 18, 1990

SB 6302 Prime Sponsor, Senator Bender: Requiring edgestripping along certain roadways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Bender, DeJarnatt, McMullen, Murray, Patrick.

Referred to Committee on Rules for second reading.

January 18, 1990

SB 6303 Prime Sponsor, Senator von Reichbauer: Enhancing pedestrian safety. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, DeJarnatt, McMullen, Murray, Nelson, Patrick.

Referred to Committee on Rules for second reading.

January 19, 1990

SB 6332 Prime Sponsor, Senator Craswell: Permitting voluntary castration of sex offenders. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6332 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Newhouse, Rasmussen, Thorsness.

MINORITY recommendation: That the bill not be substituted. Signed by Senators Niemi, Talmadge.

Referred to Committee on Rules for second reading.

January 18, 1990

SB 6337 Prime Sponsor, Senator Benitz: Changing provisions relating to technological and vocational education. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6337 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Gaspard, Metcalf, Murray, Rinehart.

Referred to Committee on Ways and Means.

January 18, 1990

SB 6352 Prime Sponsor, Senator Bailey: Establishing the fair start program. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6352 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Gaspard, Metcalf, Murray, Rinehart.

Referred to Committee on Ways and Means.

January 18, 1990

SB 6353 Prime Sponsor, Senator Barr: Revising provisions for the horticultural pest and disease board. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Referred to Committee on Rules for second reading.

January 18, 1990

SB 6395 Prime Sponsor, Senator Nelson: Correcting obsolete inheritance tax references. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6395 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Referred to Committee on Rules for second reading.

January 18, 1990

SB 6526 Prime Sponsor, Senator Anderson: Relating to registration of plant protection products for minor crop uses. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6526 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Referred to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 18, 1990

GA 9038 DONALD E. KOKJER, reappointed June 30, 1987, for a term ending June 15, 1992, as a member of the Marine Employees' Commission.
Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman, von Reichbauer, Vice Chairman; Barr, Bender, Benitz, DeJarnatt, McMullen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules.

January 17, 1990

GA 9111 G. S. ROBINSON, appointed February 7, 1989, for a term ending September 30, 1993, as a member of the Board of Trustees for Highline Community College District No. 9.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

January 17, 1990

GA 9131 PATRICK F. DONOHUE, appointed April 10, 1989, for a term ending September 30, 1993, as a member of the Board of Trustees for Walla Walla Community College District No. 20.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

January 17, 1990

GA 9133 ROBERT K. POWERS, reappointed April 27, 1989, for a term ending March 26, 1993, as a member of the Higher Education Facilities Authority.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Bauer, Cantu, Smitherman, Stratton.

Passed to Committee on Rules.

January 18, 1990

GA 9146 DAN E. BOYD, appointed June 15, 1989, for a term ending June 15, 1993, as a member of the Marine Employees' Commission.
Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman, von Reichbauer, Vice Chairman; Barr, Bender, Benitz, DeJarnatt, McMullen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules.

January 17, 1990

GA 9184 DR. ERIK PEARSON, appointed October 20, 1989, for a term ending September 30, 1991, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

January 17, 1990

GA 9186 ASA REED, reappointed September 28, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

January 18, 1990

GA 9199 BERNICE STERN, reappointed July 20, 1989, for a term ending June 30, 1995, as a member of the Transportation Commission.
Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman, von Reichbauer, Vice Chairman; Barr, Bender, Benitz, DeJarnatt, McMullen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules.

January 18, 1990

GA 9200 LEO B. SWEENEY, reappointed July 20, 1989, for a term ending June 30, 1995, as a member of the Transportation Commission.
Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman, von Reichbauer, Vice Chairman; Barr, Bender, Benitz, DeJarnatt, McMullen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 15, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Walter E. White, reappointed January 15, 1990, for a term ending July 26, 1995, as a member of the Personnel Appeals Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

January 16, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Kayè Adkins, reappointed January 16, 1990, for a term ending April 15, 1994, as a member of the Indeterminate Sentencing Review Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

January 16, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

R. Ted Bottiger, reappointed January 16, 1990, for a term ending January 15, 1993, as a member of the Pacific Northwest Power and Conservation Planning Council.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

January 16, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

David L. Carlson, reappointed January 16, 1990, for a term ending April 15, 1994, as a member of the Indeterminate Sentencing Review Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

January 16, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Robert E. Trimble, appointed January 16, 1990, for a term ending April 15, 1991, as a member of the Indeterminate Sentencing Review Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

January 16, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Barbara Vanderkolk, reappointed January 16, 1990, for a term ending January 20, 1994, as a member of the Board of Pharmacy.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

MESSAGES FROM THE HOUSE

January 19, 1990

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1450,

SUBSTITUTE HOUSE BILL NO. 1475,

HOUSE BILL NO. 1570,

HOUSE BILL NO. 1571,

SUBSTITUTE HOUSE BILL NO. 1577,

ENGROSSED HOUSE BILL NO. 1596,

SUBSTITUTE HOUSE BILL NO. 1669,

ENGROSSED HOUSE BILL NO. 1703,

REENGROSSED HOUSE BILL NO. 1715,

HOUSE BILL NO. 2276, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

January 19, 1990

Mr. President:

The House concurred in the Senate amendment to HOUSE CONCURRENT RESOLUTION NO. 4428 and adopted the resolution as amended by the Senate.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6670 by Senators Talmadge, Craswell, Smith, Warnke, Wojahn and Anderson

AN ACT Relating to public display and distribution to minors of material harmful to minors; adding new sections to chapter 9.91 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6671 by Senators Anderson, Saling, Matson and Lee

AN ACT Relating to industrial insurance; and amending RCW 51.08.180.

Referred to Committee on Economic Development and Labor.

SB 6672 by Senators Nelson and Talmadge (by request of Parks and Recreation Commission)

AN ACT Relating to winter recreation activities of the state parks and recreation commission; and amending RCW 43.51.290 and 70.88.080.

Referred to Committee on Law and Justice.

SB 6673 by Senators McCaslin, Smitherman and Thorsness (by request of Department of General Administration)

AN ACT Relating to qualifications for operating state-owned vehicles; and amending RCW 43.19.554.

Referred to Committee on Governmental Operations.

SB 6674 by Senators McCaslin, Kreidler and Amondson (by request of Department of General Administration)

AN ACT Relating to transportation to and from and parking at state facilities; adding new sections to chapter 43.19 RCW; and repealing RCW 46.08.172.

Referred to Committee on Governmental Operations.

SB 6675 by Senators Patrick, Vognild, McCaslin, Conner, Smith, Warnke, West and Lee

AN ACT Relating to the death benefits for law enforcement officers and fire fighters; and amending RCW 41.26.510.

Referred to Committee on Ways and Means.

SB 6676 by Senators Patrick, Thorsness, Nelson, Conner, McCaslin, Vognild, Smith, Warnke and Lee

AN ACT Relating to jail labor; and amending RCW 10.82.030.

Referred to Committee on Law and Justice.

SB 6677 by Senators Patrick, Nelson, Thorsness, Vognild, McCaslin, Conner, Smith, Warnke, Bauer, West and Lee

AN ACT Relating to law enforcement officers who die in the line of duty; amending RCW 28B.15.380; and adding a new chapter to Title 41 RCW.

Referred to Committee on Law and Justice.

SB 6678 by Senators Patrick, Vognild, Nelson, Conner, Thorsness, McCaslin, Smith and Warnke

AN ACT Relating to defining the value of stolen property or services; and amending RCW 9A.56.010.

Referred to Committee on Law and Justice.

SB 6679 by Senators Patrick, Vognild, Nelson, Conner, McCaslin and Warnke

AN ACT Relating to inattentive driving; and amending RCW 46.61.445.

Referred to Committee on Law and Justice.

SB 6680 by Senators Benitz, Sutherland, Patrick, Bailey, Stratton, Lee and Sellar

AN ACT Relating to home heating assistance for low-income persons; amending RCW 35.21.300, 35.21.301, 54.16.285, 54.16.286, 80.28.010, and 80.28.011; creating new sections; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 6681 by Senator Lee

AN ACT Relating to the leasing of surplus school property; and amending RCW 28A.58.033.

Referred to Committee on Education.

SB 6682 by Senators Bender, Rinehart and Williams

AN ACT Relating to industrial insurance with respect to disability compensation and penalties; amending RCW 51.32.090, 51.52.060, 51.32.050, 51.32.060, and 51.48.080; and prescribing penalties.

Referred to Committee on Economic Development and Labor.

SB 6683 by Senators Bender, Conner, Rinehart and Murray

AN ACT Relating to industrial insurance vocational rehabilitation services; and amending RCW 51.32.095.

Referred to Committee on Economic Development and Labor.

SB 6684 by Senators Williams and Conner

AN ACT Relating to payments for time lost from work while attending a medical examination for industrial insurance; and amending RCW 51.32.110.

Referred to Committee on Economic Development and Labor.

SB 6685 by Senators Anderson, Moore, Lee and Smitherman

AN ACT Relating to the Washington economic development finance authority; and amending RCW 43.163.005, 43.163.020, 43.163.050, 43.163.070, 43.163.080, 43.163.100, and 43.163.120.

Referred to Committee on Economic Development and Labor.

SB 6686 by Senators Rinehart, Rasmussen, Niemi and Anderson

AN ACT Relating to restroom facilities in public places; reenacting and amending RCW 19.27.031 and 19.27.060; and creating a new section.

Referred to Committee on Economic Development and Labor.

SB 6687 by Senators Rinehart, Bailey and Bauer

AN ACT Relating to funding for the early childhood education and assistance program; adding a new section to chapter 43.88 RCW; and creating a new section.

Referred to Committee on Education.

SB 6688 by Senators Rinehart, Bailey and Conner

AN ACT Relating to the mentor athletes in the public schools program; creating a new section; and making an appropriation.

Referred to Committee on Education.

SB 6689 by Senators Rinehart and Saling

AN ACT Relating to state purchasing; and reenacting and amending RCW 43.19.1906.

Referred to Committee on Governmental Operations.

SB 6690 by Senators Smitherman, Williams and Bender (by request of Department of Labor and Industries)

AN ACT Relating to fire and life safety equipment in chapter 19.28 RCW; amending RCW 19.28.005, 19.28.060, 19.28.070, 19.28.120, 19.28.123, 19.28.125, 19.28.210, 19.28.300, 19.28.350, 19.28.370, 19.28.510, 19.28.530, 19.28.540, 19.28.550, 19.28.570, 19.28.580, 19.28.610, and 19.28.620; adding new sections to chapter 19.28 RCW; making an appropriation; and providing an effective date.

Referred to Committee on Economic Development and Labor.

SB 6691 by Senators Smitherman, Lee, Bender and Williams (by request of Department of Labor and Industries);

AN ACT Relating to plumbing; and amending RCW 18.106.010.

Referred to Committee on Economic Development and Labor.

SB 6692 by Senators Murray, Lee, Williams, Patrick, Rasmussen, Bender and Smitherman

AN ACT Relating to penalties for violations of wage payment laws; amending RCW 49.46.100 and 49.48.020; creating a new section; and prescribing penalties.

Referred to Committee on Economic Development and Labor.

SB 6693 by Senators Craswell, Madsen, Anderson, Bluechel, Patrick, Amondson, Smitherman and Lee

AN ACT Relating to the use taxation of tangible personal property acquired and used in another state; and amending RCW 82.12.0251.

Referred to Committee on Ways and Means.

SB 6694 by Senators Lee, Smitherman, Bluechel, Smith, Murray, Bender, Warnke, Vognild, Patrick and von Reichbauer

AN ACT Relating to the sale of mobile homes and mobile home parks; and adding a new chapter to Title 64 RCW.

Referred to Committee on Economic Development and Labor.

SB 6695 by Senators Patterson and Nelson

AN ACT Relating to refunds for urban transportation systems; and amending RCW 82.36.275 and 82.38.080.

Referred to Committee on Transportation.

SB 6696 by Senator Metcalf

AN ACT Relating to bottom trawling of shrimp; and amending RCW 75.12.390.

Referred to Committee on Environment and Natural Resources.

SB 6697 by Senator DeJarnatt

AN ACT Relating to a Columbia river bridge study; and creating a new section.

Referred to Committee on Transportation.

SB 6698 by Senators Metcalf, DeJarnatt, Nelson, Sutherland, Barr, Bauer, Bluechel, Stratton, Patterson, Hansen, Anderson, Madsen, Bailey, McCaslin, Owen, Conner and Benitz

AN ACT Relating to limitations on the use of solid fuel burning devices; extending the impaired air quality exemption for certified solid fuel burning devices; and authorizing local air quality authorities to impose fees on the sale of new solid fuel burning devices; amending RCW 70.94.473; and adding a new section to chapter 70.94 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6699 by Senators Moore, Johnson, Warnke, von Reichbauer and Bauer

AN ACT Relating to motions for preference; and adding a new section to chapter 4.44 RCW.

Referred to Committee on Law and Justice.

SB 6700 by Senators Patterson, Metcalf, DeJarnatt, Amondson, Benitz, Newhouse, Sellar, Hansen, Conner and Madsen

AN ACT Relating to exemption of recyclable materials from motor freight carrier regulation; and amending RCW 81.80.040.

Referred to Committee on Transportation.

SB 6701 by Senators Bluechel, Bender, Sellar, Moore, von Reichbauer, Murray, Smitherman, Conner, Warnke and Lee

AN ACT Relating to the maritime commission and oil spill response system; adding a new chapter to Title 88 RCW; prescribing penalties; and providing effective dates.

Referred to Committee on Environment and Natural Resources.

SB 6702 by Senators Murray, Bender, Lee, Warnke, Smitherman, Vognild and von Reichbauer

AN ACT Relating to mobile home landlords and tenants; amending RCW 59.20.200 and 59.20.210; and adding a new section to chapter 59.20 RCW.

Referred to Committee on Economic Development and Labor.

SB 6703 by Senators Murray, Rinehart, Niemi, Nelson and McMullen

AN ACT Relating to the collection of child support; amending RCW 26.18.070 and 26.18.100; adding new sections to chapter 26.18 RCW; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6704 by Senators Madsen, Kreidler and Murray

AN ACT Relating to exchange of forest lands; amending RCW 76.12.050; adding new sections to chapter 76.12 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 6705 by Senator Madsen

AN ACT Relating to agricultural product labeling; amending RCW 15.53.9016, 66.28.100, 66.28.110, and 66.28.120; adding new sections to chapter 69.04 RCW; and creating a new section.

Referred to Committee on Agriculture.

SB 6706 by Senators Barr, Newhouse and Hansen

AN ACT Relating to marketer liens; amending RCW 60.11.050, 62A.9-310, and 60.13.050; and adding a new chapter to Title 60 RCW.

Referred to Committee on Agriculture.

SB 6707 by Senators Barr, Conner and Bailey

AN ACT Relating to the taxation authority of junior taxing districts; amending RCW 84.52.043, 70.44.060, 35.61.210, and 84.52.010; and repealing RCW 84.52.100.

Referred to Committee on Ways and Means.

SB 6708 by Senators Barr and Hansen

AN ACT Relating to a livestock market net worth requirement; and amending RCW 16.65.030, 16.65.420, and 16.65.450.

Referred to Committee on Agriculture.

SB 6709 by Senators Lee, Kreidler, Smith and Anderson

AN ACT Relating to professional engineers' fees; and amending RCW 18.43.150.

Referred to Committee on Economic Development and Labor.

SB 6710 by Senators West, Kreidler, McDonald, Thorsness, Nelson, Stratton and Saling

AN ACT Relating to the prevention of alcohol and drug-related illness and injury; amending RCW 18.64.005, 46.04.580, 46.20.308, 46.20.311, 46.20.311, 46.20.380, 46.20.391, 46.61.515, and 46.68.060; adding a new section to chapter 43.70 RCW; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.20 RCW; adding a new chapter to Title 46 RCW; creating new sections; repealing RCW 46.20.599; prescribing penalties; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 6711 by Senators Metcalf, Saling and Stratton

AN ACT Relating to the financing of water pollution control facilities and activities; and reenacting and amending RCW 70.146.060.

Referred to Committee on Environment and Natural Resources.

SB 6712 by Senators Newhouse, Conner, Rasmussen and Talmadge (by request of Washington State Patrol)

AN ACT Relating to possession of firearms on state capital building lands; and amending RCW 9.41.300.

Referred to Committee on Law and Justice.

SCR 8431 by Senators Madsen, Johnson, Smitherman and Thorsness

Creating a military spending task force.

Referred to Committee on Economic Development and Labor.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1450 by Committee on Transportation (originally sponsored by Representatives R. Meyers, Heavey, Schmidt, Walk, D. Sommers, Todd, Kremen, Jones, Zellinsky, Haugen, Wood, Prentice, Cooper, Chandler and Winsley)

Regulating motor fuel quality.

Referred to Committee on Transportation.

SHB 1475 by Committee on Judiciary (originally sponsored by Representatives Winsley, Dellwo, K. Wilson, Chandler, Zellinsky, Beck, Day, Schmidt, Todd, Ferguson, D. Sommers and Wang)

Establishing the measure of damages for a motor vehicle.

Referred to Committee on Financial Institutions and Insurance.

HB 1570 by Representatives R. Fisher and McLean (by request of Secretary of State)

Changing election procedures in optional code cities.

Referred to Committee on Governmental Operations.

HB 1571 by Representatives R. Fisher, McLean and Sayan (by request of Secretary of State)

Changing the procedure for filling port district vacancies.

Referred to Committee on Governmental Operations.

SHB 1577 by Committee on State Government (originally sponsored by Representatives R. Fisher, McLean, Holland, Silver, H. Sommers, Anderson and Winsley) (by request of Office of Financial Management)

Establishing liability for state trust funds.

Referred to Committee on Governmental Operations.

EHB 1596 by Representatives R. Meyers, Patrick, Wood, Jones, Heavey, Winsley, R. Fisher, P. King, Ferguson and Day

Funding motorcycle safety education.

Referred to Committee on Transportation.

SHB 1669 by Committee on State Government (originally sponsored by Representatives Anderson, R. Fisher, Winsley, Jacobsen, Haugen, Schoon, Bristow, Wineberry, Beck, Horn and D. Sommers) (by request of Secretary of State)

Protecting the confidentiality of initiative, referendum, or recall petitioners.

Referred to Committee on Governmental Operations.

EHB 1703 by Representatives R. Fisher, McLean and Anderson (by request of Office of Financial Management)

Revising computation of subsistence and travel expenses.

Referred to Committee on Governmental Operations.

ReEBB 1715 by Representatives Anderson, Winsley, Leonard, Wineberry, Nutley, O'Brien, Rector, Nelson and Brekke

Creating a register of public property available for development of low-income housing.

Referred to Committee on Governmental Operations.

HB 2276 by Representatives Peery, Betzoff, G. Fisher, Brumsickle, Jones, Holland, Phillips, Horn, McLean, Spanel, P. King and Crane

Reorganizing Title 28A RCW.

Referred to Committee on Education.

MOTION

On motion of Senator Newhouse, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Newhouse, the following resolution was adopted:

SENATE RESOLUTION 1990-8727

by Senators Newhouse, Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams and Wojahn

WHEREAS, Grandview native, Ray Hawn, was a Washington State Trooper for twenty-three years and had recently returned to the Yakima Valley with his wife, daughter and son; and

WHEREAS, Trooper Hawn was admired and respected for his devotion to duty and was, in the words of a patrol spokesperson, in the class of troopers who formed "the absolute backbone" of the patrol; and

WHEREAS, Trooper Hawn was tragically killed in an accident while assisting a disabled motorist near Prosser on the evening of January 17, 1990; and

WHEREAS, Ray Hawn was the fourth state patrol trooper to be killed in the line of duty in the past five years;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the men and women of the Washington State Patrol and the long and exemplary service of Trooper Ray Hawn; and

BE IT FURTHER RESOLVED, That copies of this resolution be transferred by the Secretary of the Senate to the family of Ray Hawn and to Chief Tellevik of the Washington State Patrol.

MOTION

On motion of Senator Newhouse, and there being no objection, all members will be included as sponsors of Senate Resolution 1990-8727.

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9147, Marilu M. Brock, as a member of the Board of Trustees for Highline Community College District No. 9, was confirmed.

APPOINTMENT OF MARILU M. BROCK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senators Bauer, Hansen - 2.

Excused: Senators Fleming, Moore, Sellar, Sutherland - 4.

MOTION

On motion of Senator Bender, Senators Bauer and Hansen were excused.

MOTION

On motion of Senator Benitz, Gubernatorial Appointment No. 9149, Richard D. Casad, as a member of the Utilities and Transportation Commission, was confirmed.

APPOINTMENT OF RICHARD D. CASAD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Excused: Senators Bauer, Fleming, Hansen, Moore, Sellar, Sutherland - 6.

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

There being no objection, the Senate resumed consideration of Engrossed Senate Bill No. 5169, deferred on third reading January 17, 1990.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5169.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5169 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen,

Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Fleming, Sellar, Sutherland - 3.

ENGROSSED SENATE BILL NO. 5169, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE JOINT MEMORIAL NO. 8003, by Senators Conner, Bender, Madsen, DeJarnatt and Murray

Requesting that the practice of railroad holding tanks dumping on the right of way be discontinued.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8003.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8003 and the joint memorial passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Fleming, Sellar, Sutherland - 3.

SENATE JOINT MEMORIAL NO. 8003, having received the constitutional majority was declared passed.

STATEMENT FOR THE JOURNAL

TO: Gordon Golob, Secretary of the Senate

FROM: Senator Dean Sutherland, 17th District

SUBJECT: On 1-22-90, I missed votes on Gubernatorial Appointment No. 9147, Gubernatorial Appointment No. 9149, Engrossed Senate Bill No. 5169 and Senate Joint Memorial No. 8003. I was excused; I had an important meeting with a constituent regarding a district project.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Health and Long-Term Care was relieved of further consideration of Senate Bill No. 6293.

On motion of Senator Newhouse, Senate Bill No. 6293 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 6444.

On motion of Senator Newhouse, Senate Bill No. 6444 was referred to the Committee on Ways and Means.

MOTION

At 10:29 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:34 a.m. by President Pritchard.

MOTION

On motion of Senator Anderson, the Senate returned to the eighth order of business.

MOTION

On motion of Senator Vognild, the following resolution was adopted:

SENATE RESOLUTION 1990-8728

by Senators Vognild, Conner, Rasmussen, Thorsness, Johnson and Sellar

WHEREAS, The Benevolent and Protective Order of Elks wishes to pay its respects to the officials of the state of Washington, including all members of the 51st Legislature, on this day, January 22, 1990, Elks Government Relations Day; and

WHEREAS, The Benevolent and Protective Order of Elks has fifty-one lodges in the state of Washington with more than sixty-four thousand members; and

WHEREAS, The Elks have developed and maintained a reputation for compassionate concern for their fellow human beings; and

WHEREAS, This organization demonstrates its concern by committing its members and resources to many worthwhile and charitable projects, including but not limited to, serving our veterans, youth, and disabled citizens; and

WHEREAS, It is the custom of the Washington State Senate to recognize hard work and dedication of various organizations in this state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby recognize and honor the Benevolent and Protective Order of Elks for its many youth, scholarship, disabled children, veterans, drug awareness, charitable and community service programs; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate, to Ken Valentine, President of the Washington State Elks Association, for appropriate distribution.

MOTIONS

On motion of Senator Anderson, the Senate advanced to the ninth order of business.

On motion of Senator Anderson, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 6667.

On motion of Senator Anderson, Senate Bill No. 6667 was referred to the Committee on Ways and Means.

MOTIONS

On motion of Senator Anderson, the Senate returned to the first order of business.

REPORT OF STANDING COMMITTEE

January 18, 1990

SB 6538 Prime Sponsor, Senator Smith: Pertaining to termination of parental rights. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6538 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognild.

Referred to Committee on Ways and Means.

POINT OF INQUIRY

Senator Vognild: "Prior to adjournment, I would simply like to ask a question of Senator Anderson, if I may. The sexual predator bill is of great interest to a large number of people and I understand that action is tentatively scheduled for Wednesday. Is that correct?"

Senator Anderson: "That is my understanding, Senator Vognild. We have people gone today for a funeral and we anticipate it to be taken up on Wednesday."

MOTION

At 11:37 a.m., on motion of Senator Anderson, the Senate adjourned until 10:00 a.m., Wednesday, January 24, 1990.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 24, 1990

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators DeJarnatt, Fleming, Gaspard and Patterson. On motion of Senator Bender, Senators DeJarnatt, Fleming and Gaspard were excused.

The Sergeant at Arms Color Guard, consisting of Pages Kelli O'Connell and Carri Stadelman, presented the Colors. Reverend Randal Burtis, pastor of the Neighborhood Christian Center of Tumwater, offered the prayer.

MOTION

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

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
General Administration Building
Olympia, Washington 98504

January 22, 1990

TO: Gordon A. Golob, Secretary of the Senate
FROM: Mary Bergstrom, Government Relations
SUBJECT: Washington Marketplace Report

Attached is the final report on the Washington Marketplace. The copy delivered to your office on January 12, 1990, was a draft report.

Please replace the earlier version with the final report, and we apologize for any inconvenience caused by our actions.

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORTS OF STANDING COMMITTEES

January 23, 1990

SB 5705 Prime Sponsor, Senator Benitz: Requiring the energy facility site evaluation council to consider the extent of carbon dioxide emissions by thermal plant facilities seeking certification. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Metcalf, Nelson, Owen, Patrick, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

January 22, 1990

SB 5767 Prime Sponsor, Senator von Reichbauer: Modifying the procedure for gubernatorial appointments. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

January 22, 1990

SB 5768 Prime Sponsor, Senator von Reichbauer: Revising the requirements for senatorial confirmation of certain gubernatorial appointments. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

January 22, 1990

SB 5935 Prime Sponsor, Senator Williams: Creating the capitol campus design advisory committee. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5935 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

January 22, 1990

SB 5957 Prime Sponsor, Senator Smitherman: Mandating coverage for diabetic education. Reported by Committee on Rules

MAJORITY recommendation: That the bill be referred to Committee on Health and Long-Term Care. Signed by Senators Bluechel, Vice Chairman; Bauer, Cantu, Conner, Craswell, Hayner, Johnson, Newhouse, Rasmussen, Sellar, Wojahn.

Referred to Committee on Health and Long-Term Care.

January 22, 1990

SB 6305 Prime Sponsor, Senator Saling: Changing exemptions for tuition and services and activities fees. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6305 be substituted therefor, and the substitute bill do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules for second reading.

January 22, 1990

SB 6310 Prime Sponsor, Senator Metcalf: Providing a funding mechanism for regional fisheries enhancement groups. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6310 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Kreidler, Owen, Patterson.

Passed to Committee on Rules for second reading.

January 22, 1990

SB 6336 Prime Sponsor, Senator Metcalf: Requiring all citizens to be treated equally when property is being seized or forfeited for a wildlife offense. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, DeJarnatt, Kreidler, Patterson.

Passed to Committee on Rules for second reading.

January 19, 1990

SB 6351 Prime Sponsor, Senator Talmadge: Regarding domestic violence omnibus provisions. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6351 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Madsen, Niemi, Patrick, Rasmussen, Rinehart, Talmadge.

Referred to Committee on Ways and Means.

January 23, 1990

SB 6446 Prime Sponsor, Senator Benitz: Revising provisions for public water systems. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 6446 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Metcalf, Nelson, Owen, Patrick, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

January 23, 1990

SB 6447 Prime Sponsor, Senator Benitz: Regarding failing public water systems. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 6447 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Benitz, Chairman; Metcalf, Nelson, Owen, Patrick, Stratton, Sutherland, Williams.

Referred to Committee on Ways and Means.

January 19, 1990

SB 6473 Prime Sponsor, Senator Thorsness: Changing conditions applying to the sale of products of correctional industries. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6473 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Hayner, Newhouse, Niemi, Patrick, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 22, 1990

SB 6537 Prime Sponsor, Senator Smith: Providing for foster care reform and making appropriations. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6537 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Stratton, Vogndil.

Referred to Committee on Ways and Means.

January 23, 1990

SJM 8017 Prime Sponsor, Senator DeJarnatt: Resolving to commemorate the 200th anniversary of the discovery of the Columbia River. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

January 22, 1990

SJR 8215 Prime Sponsor, Senator von Reichbauer: Amending the Constitution to provide for special sessions for the purpose of confirming gubernatorial appointments. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

January 22, 1990

ESHB 2198 Prime Sponsor, Senator Nelson: Pertaining to energy efficiency and conservation. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Energy and Utilities. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman;

Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Moore, Owen, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

January 22, 1990

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1565.

SUBSTITUTE HOUSE BILL NO. 1746,

HOUSE BILL NO. 1747,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1941,

ENGROSSED HOUSE BILL NO. 1950,

HOUSE BILL NO. 1957,

SUBSTITUTE HOUSE BILL NO. 1979,

HOUSE JOINT MEMORIAL NO. 4006,

HOUSE JOINT MEMORIAL NO. 4012, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6713 by Senators Smith, Sutherland, Owen, Amondson and Bauer

AN ACT Relating to the prohibition of sales and use of styrofoam fishing bait containers; adding a new section to chapter 70.95 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 6714 by Senators Bailey, Rinehart, Murray, Lee, Bender, Patrick, Fleming, Talmadge and Sutherland

AN ACT Relating to earthquake safety in public schools; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Education.

SB 6715 by Senators McCaslin, Patterson and Hansen

AN ACT Relating to purchasing services by contract; and amending RCW 28B.16.040, 28B.16.240, and 41.06.380.

Referred to Committee on Higher Education.

SB 6716 by Senators Vognild, Johnson, Conner, Nelson and Sutherland

AN ACT Relating to the retirement age of law enforcement officers and firefighters; and amending RCW 41.26.430.

Referred to Committee on Ways and Means.

SB 6717 by Senators Johnson and Vognild

AN ACT Relating to uniformed personnel; and amending RCW 41.56.030.

Referred to Committee on Ways and Means.

SB 6718 by Senators Vognild, Johnson and Conner

AN ACT Relating to disability leave for law enforcement officers and fire fighters; and repealing RCW 41.04.540.

Referred to Committee on Ways and Means.

SB 6719 by Senators Johnson, Vognild and Conner

AN ACT Relating to the portability of LEOFF II retirement benefits; and amending RCW 41.54.010.

Referred to Committee on Ways and Means.

SB 6720 by Senators Nelson, Talmadge, Newhouse and Rasmussen

AN ACT Relating to franchise investment protection; amending RCW 19.100.010, 19.100.020, 19.100.030, 19.100.040, 19.100.070, 19.100.080, 19.100.100, 19.100.140, 19.100.160,

19.100.170, 19.100.180, 19.100.220, and 19.100.240; and adding new sections to chapter 19.100 RCW.

Referred to Committee on Law and Justice.

SB 6721 by Senators McDonald, Stratton, Sellar, McMullen, Hayner, Vognild, McCaslin, Hansen, Bailey, Cantu, West, Johnson, Barr and Nelson

AN ACT Relating to initiative petitions; amending RCW 29.79.120; providing an effective date; and providing for submission of this act to a vote of the people.

Referred to Committee on Governmental Operations.

SB 6722 by Senators McDonald, Vognild, West and Bluechel

AN ACT Relating to foreign language exchange teachers; and amending RCW 28A.67.020.

Referred to Committee on Education.

SB 6723 by Senators McDonald, Thorsness, Smith, Craswell, Saling, Johnson and Barr

AN ACT Relating to the use of inmate labor on capital construction projects; amending RCW 72.01.110; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6724 by Senators Owen and Hansen

AN ACT Relating to revocation of fishing and hunting licenses for littering; amending RCW 75.10.120; and adding a new section to chapter 77.21 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6725 by Senator Owen

AN ACT Relating to oil and hazardous substance spills; amending RCW 90.48.355, 90.48.340, 90.48.335, 88.16.010, and 90.48.320; adding new sections to chapter 90.48 RCW; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 6726 by Senators Owen, Metcalf and Patrick

AN ACT Relating to funding of firearm range facilities; amending RCW 77.12.195 and 77.32.101; adding a new section to chapter 77.12 RCW; creating a new section; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 6727 by Senators Kreidler, Metcalf and DeJarnatt

AN ACT Relating to the sale of valuable material, including shellfish, from state-owned aquatic lands; amending RCW 79.90.210, 79.90.240, 79.96.080, 79.96.085, 75.28.287, and 75.10.140; adding a new section to chapter 79.01 RCW; adding a new section to chapter 79.96 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 6728 by Senators Conner, Amondson, DeJarnatt and Barr

AN ACT Relating to reports on decisions affecting timber harvest and processing; creating a new section; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 6729 by Senators Nelson, Talmadge, McCaslin, Rasmussen, Newhouse, Niemi, Thorsness, Hayner, Madsen and Patrick

AN ACT Relating to DNA identification; amending RCW 43.43.758 and 43.43.754; adding new sections to chapter 43.43 RCW; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6730 by Senators Lee, Smitherman and Bluechel

AN ACT Relating to the establishment of a business and job retention program; adding new sections to chapter 43.31 RCW; and creating new sections.

Referred to Committee on Economic Development and Labor.

SB 6731 by Senators McCaslin and Sutherland

AN ACT Relating to including absentee ballots in voter abstracts; and amending RCW 29.62.090.

Referred to Committee on Governmental Operations.

SB 6732 by Senator Cantu

AN ACT Relating to prevailing wage; and amending RCW 39.12.020 and 39.12.030.

Referred to Committee on Economic Development and Labor.

SB 6733 by Senators Bailey, Rinehart, Anderson, Murray, Lee, Gaspard, Metcalf, Craswell, Bender, Benitz, Nelson, Johnson, Thorsness, Patrick, Rasmussen, Sellar, Smith, Warnke, Vognild, Smitherman, DeJarnatt, Madsen, Conner, Wojahn, Talmadge, Bauer, Williams, Kreidler, von Reichbauer, Fleming, Barr and Sutherland

AN ACT Relating to school improvement; adding new sections to Title 28A RCW; creating new sections; making appropriations; and providing an expiration date.

Referred to Committee on Education.

SB 6734 by Senators Wojahn, Johnson, Williams, Barr, Kreidler, von Reichbauer, Stratton, Madsen and McCaslin

AN ACT Relating to improving the administration of historical activities and programs; amending RCW 27.34.030, 27.34.040, and 27.34.280; repealing RCW 27.34.090; and making an appropriation.

Referred to Committee on Governmental Operations.

SB 6735 by Senators Patrick, Lee, Matson and Barr

AN ACT Relating to employer workers' compensation group self-insurance; and adding a new section to chapter 51.14 RCW.

Referred to Committee on Economic Development and Labor.

SB 6736 by Senators Patrick, Lee, Matson and Barr

AN ACT Relating to employer workers' compensation group self-insurance; adding a new chapter to Title 51 RCW; and prescribing penalties.

Referred to Committee on Economic Development and Labor.

SB 6737 by Senators Madsen, Murray and Wojahn

AN ACT Relating to the study of health care allocation; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 6738 by Senators Bauer, Bailey, Saling, Lee, Rinehart and Sutherland

AN ACT Relating to the summer motivation and academic residential training program; amending RCW 28B.80.360; adding a new chapter to Title 28B RCW; and providing an expiration date.

Referred to Committee on Higher Education.

SB 6739 by Senators Warnke, Murray and Smitherman

AN ACT Relating to mobile home landlords; and amending RCW 59.20.060, 59.20.074, and 60.72.010.

Referred to Committee on Economic Development and Labor.

SB 6740 by Senator Matson

AN ACT Relating to regulating medical treatment under the industrial insurance retrospective rating program; and amending RCW 51.04.030 and 51.32.110.

Referred to Committee on Economic Development and Labor.

SB 6741 by Senators Amondson, Owen, Metcalf and Sutherland

AN ACT Relating to the permitting process for certain utility extensions; amending RCW 90.58.140; and adding a new section to chapter 90.58 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6742 by Senators Lee and Talmadge

AN ACT Relating to electric energy beyond city limits; adding a new section to chapter 35.84 RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 6743 by Senator Bender

AN ACT Relating to the time of implementation of ferry employee collective bargaining agreements upon agreement of the parties; and amending RCW 47.64.190.

Referred to Committee on Transportation.

SB 6744 by Senator Conner

AN ACT Relating to the release of offenders; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Law and Justice.

SB 6745 by Senators Bauer, McCaslin, Sutherland and DeJarnatt

AN ACT Relating to solid waste facilities and services procurement by counties with a population over one hundred thousand; and creating a new section.

Referred to Committee on Governmental Operations.

SB 6746 by Senators Patrick, Madsen, Patterson, Nelson, Sutherland and Murray

AN ACT Relating to disposal of abandoned junk vehicles; and amending RCW 46.55.230.

Referred to Committee on Transportation.

SB 6747 by Senator DeJarnatt

AN ACT Relating to commercial fishing licenses; amending RCW 75.28.255; and adding a new section to chapter 75.28 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6748 by Senators Rasmussen, McCaslin, Hansen and Patrick

AN ACT Relating to attorneys' fees, costs, and expenses awarded against the state; adding a new section to chapter 4.84 RCW; and creating new sections.

Referred to Committee on Law and Justice.

SB 6749 by Senators Patrick, Rasmussen, Thorsness, Hansen and McCaslin

AN ACT Relating to limitation of actions; and adding a new section to chapter 4.16 RCW.

Referred to Committee on Law and Justice.

SB 6750 by Senators Patrick, Rasmussen, Thorsness, Hansen and McCaslin

AN ACT Relating to liability for governmental actions; and amending RCW 64.40.020.

Referred to Committee on Law and Justice.

SB 6751 by Senators Nelson, Patrick, Conner, Hansen and Smitherman

AN ACT Relating to uniform misdemeanor criminal code penalties; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Law and Justice.

SB 6752 by Senator McCaslin

AN ACT Relating to boundary review boards; and amending RCW 36.93.051 and 36.93.061.

Referred to Committee on Governmental Operations.

SB 6753 by Senators Cantu, Gaspard and Sutherland (by request of Department of Revenue)

AN ACT Relating to the payment of taxes by electronic funds transfer; amending RCW 82.32.080; adding a new section to chapter 82.32 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6754 by Senator Nelson

AN ACT Relating to recording security interests; and amending RCW 7.28.230.

Referred to Committee on Law and Justice.

SB 6755 by Senators Lee, Smitherman, Talmadge, Matson, Saling, Anderson and Warnke

AN ACT Relating to industrial insurance coverage for nurses practicing their profession as independent contractors; and amending RCW 51.08.180 and 51.12.020.

Referred to Committee on Economic Development and Labor.

SB 6756 by Senators Lee, Smitherman, Talmadge, Matson, Saling and Warnke

AN ACT Relating to unemployment compensation coverage of nurses practicing their profession as independent contractors; and adding a new section to chapter 50.04 RCW.

Referred to Committee on Economic Development and Labor.

SB 6757 by Senators Anderson, McDonald, Wojahn and Benitz

AN ACT Relating to the regulation and licensing of day-care centers; adding a new section to chapter 74.15 RCW; and creating a new section.

Referred to Committee on Economic Development and Labor.

SB 6758 by Senators Moore and Kreidler

AN ACT Relating to motor vehicle insurance; adding a new chapter to Title 46 RCW; creating a new section; and making an appropriation.

Referred to Committee on Financial Institutions and Insurance.

SB 6759 by Senator Moore

AN ACT Relating to the deferral of special assessments and property taxes; and amending RCW 84.38.020 and 84.38.030.

Referred to Committee on Ways and Means.

SB 6760 by Senators Sellar, Hansen, Barr, Bauer and Sutherland

AN ACT Relating to an orchard revitalization program; creating a new chapter in Title 15 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Agriculture.

SB 6761 by Senators Newhouse and Barr (by request of Employment Security Department)

AN ACT Relating to voluntary combined reporting for agricultural employers; and amending RCW 49.30.005.

Referred to Committee on Agriculture.

SB 6762 by Senators Saling, Rasmussen, Warnke, Bauer, Williams and McMullen

AN ACT Relating to adjustments in retirement benefits; amending RCW 41.32.485; and amending section 1, chapter 272, Laws of 1989 (uncodified).

Referred to Committee on Ways and Means.

SB 6763 by Senators Craswell and Wojahn

AN ACT Relating to gambling tax revenues; and amending RCW 9.46.113.

Referred to Committee on Law and Justice.

SB 6764 by Senators Rinehart, Bailey and Fleming

AN ACT Relating to community support for education; adding new sections to chapter 41.04 RCW; creating new sections; making appropriations; and providing an expiration date.

Referred to Committee on Education.

SB 6765 by Senators Nelson, Talmadge, Patrick and Sutherland

AN ACT Relating to admissibility of a child's statement; and amending RCW 9A.44.120.

Referred to Committee on Law and Justice.

SB 6766 by Senator Lee

AN ACT Relating to economic diversification; adding new sections to chapter 43.63A RCW; creating a new section; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 6767 by Senators Niemi, Nelson, Talmadge, Newhouse and Rasmussen

AN ACT Relating to juvenile justice; creating new sections; and providing an expiration date.

Referred to Committee on Law and Justice.

SB 6768 by Senators Owen, Matson, Warnke, Newhouse, Vognild, Rasmussen and Sutherland

AN ACT Relating to progress reports on the recreational fisheries enhancement plan; and adding new sections to chapter 75.08 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6769 by Senators Patrick, McCaslin and Hansen

AN ACT Relating to invalidated local laws; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6770 by Senators Benitz, Sutherland and Williams

AN ACT Relating to alternate operator services companies; amending RCW 80.36.520 and 80.36.530; adding new sections to chapter 80.36 RCW; and prescribing penalties.

Referred to Committee on Energy and Utilities.

SB 6771 by Senators Lee, Talmadge, Anderson, McMullen and Patrick

AN ACT Relating to magnetic fields; creating new sections; and making an appropriation.

Referred to Committee on Energy and Utilities.

SB 6772 by Senators Bluechel and Conner

AN ACT Relating to telephone solicitation; and amending RCW 80.36.390.

Referred to Committee on Energy and Utilities.

SB 6773 by Senator Metcalf

AN ACT Relating to building permits; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Governmental Operations.

SJM 8021 by Senators Bender, Owen, Fleming, Talmadge, McMullen, Kreidler, Niemi, Moore, Conner, Wojahn, Nelson, Bauer, Johnson and Sutherland

Supporting veterans exposed to toxic chemicals.

Referred to Committee on Governmental Operations.

SJR 8234 by Senator McCaslin

Amending the Constitution to authorize counties to levy an additional tax for criminal justice services.

Referred to Committee on Governmental Operations.

SJR 8235 by Senator McCaslin

Amending the Constitution to authorize counties to levy an additional tax for criminal justice services.

Referred to Committee on Governmental Operations.

SJR 8236 by Senators McDonald, Stratton, Sellar, McMullen, Hayner, Vognild, McCaslin, Hansen, Bailey, Cantu and West

Amending the Constitution to require eighty percent of signatures for initiatives to be from voters evenly distributed among the state's congressional districts.

Referred to Committee on Governmental Operations.

SJR 8237 by Senator Rasmussen

Amending the Constitution to permit constitutional amendments to be proposed by initiative.

Referred to Committee on Governmental Operations.

SCR 8432 by Senators Conner, Benitz, Murray, Rasmussen, Stratton, Hansen, Barr and DeJarnatt

Creating a Joint Select Committee on the Economic Impact of Consumer Petroleum Pricing.

Referred to Committee on Energy and Utilities.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1565 by Committee on Judiciary (originally sponsored by Representatives Locke, Wang, Brough, Padden, Belcher, Wineberry, Winsley and R. Fisher)

Relating to family relationships presumed to be valid for immigrants.

Referred to Committee on Law and Justice.

SHB 1746 by Committee on Housing (originally sponsored by Representatives Locke, Todd, Anderson and Wineberry) (by request of Human Rights Commission)

Prohibiting discrimination in real estate transactions because of parental status.

Referred to Committee on Law and Justice.

HB 1747 by Representatives R. Fisher, Belcher, McLean, Winsley, H. Sommers, P. King and Anderson (by request of Secretary of State)

Eliminating charges for space in the candidates' pamphlet.

Referred to Committee on Governmental Operations.

ESHB 1941 by Committee on Environmental Affairs (originally sponsored by Representatives Sprenkle, Prentice, Leonard, Rust, Morris, Wolfe and Ferguson)

Prohibiting use of tobacco products in health care facilities.

Referred to Committee on Health and Long-Term Care.

EHB 1950 by Representatives Valle, Ferguson, Phillips and Sprenkle

Investigating diesel-powered vehicle emission issues.

Referred to Committee on Environment and Natural Resources.

HB 1957 by Representatives Zellinsky, S. Wilson, Haugen, Schmidt, Walk, Vekich, R. Meyers, Sayan, Spanel and Youngsman

Repealing excess funds transfer provisions for the Puget Sound ferry operations account.

Referred to Committee on Transportation.

SHB 1979 by Committee on Local Government (originally sponsored by Representatives Haugen, Wood and Cooper)

Authorizing cities and towns to compel sewer hookups with regard to property outside of city or town boundaries.

Referred to Committee on Governmental Operations.

HJM 4006 by Representatives Anderson, R. Fisher, Hankins, Jacobsen, Winsley, Brekke, R. King, Nelson, Jesernig, Rector, Haugen, Wineberry, Spanel, O'Brien, Kremen, Morris, Bristow, Sayan, McLean, Brumsickle, Jones, Brough, Beck, Wang, Basich, Ballard, Horn, Ferguson, Bowman, Walker, D. Sommers, Wolfe, Fuhrman, Nealey, Youngsman, Leonard, Tate, G. Fisher, Todd and Doty

Asking the federal government to adopt a uniform poll closing law.

Referred to Committee on Governmental Operations.

HJM 4012 by Representatives Brumsickle, Bowman, Schmidt, Youngsman, Patrick, Ballard, Betzoff, Walker, Silver, McLean, Smith, Grant, Fuhrman, Brough, Phillips, Horn, Holland, Morris, Beck, Padden, Tate, Schoon, D. Sommers, Moyer, Kremen, P. King, Wineberry, Pruitt, Sayan, Winsley, Miller, Rayburn, K. Wilson, May, Insee, Raiter, Hine, Spanel, G. Fisher, Rasmussen and Wood

Petitioning Congress to restore the deductibility of the retail sales tax.

Referred to Committee on Ways and Means.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9111, G. S. Robinson, as a member of the Board of Trustees for Highline Community College District No. 9, was confirmed.

Senator Lee spoke to the confirmation of G. S. Robinson as a member of the Board of Trustees for Highline Community College.

APPOINTMENT OF G. S. ROBINSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Patterson - 1.

Excused: Senators DeJarnatt, Fleming, Gaspard - 3.

SECOND READING

SENATE BILL NO. 6259, by Senators Nelson, Talmadge, Patrick, Wojahn, Thorsness, Vognild, Bender, Warnke, Bauer, von Reichbauer, Gaspard, Madsen, Murray, Sutherland, Rasmussen, Fleming, Hansen, Conner and Kreidler (by request of Governor Gardner)

Changing provisions relating to criminal offenders.

MOTIONS

On motion of Senator Nelson, Second Substitute Senate Bill No. 6259 was substituted for Senate Bill No. 6259 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the following amendment by Senators Talmadge, Nelson and Patrick was adopted:

On page 16, after line 20, insert the following:

"(2) Any person who disseminates such information at the request of any public official, public employee, or public agency is immune from civil liability for damages."

Remember the remaining subsections consecutively and correct any internal references accordingly.

MOTION

At 10:21 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:07 a.m. by President Pritchard.

INTRODUCTION OF SPECIAL GUEST

The President introduced Mr. Mark Russell, world renown political humorist, who was seated on the rostrum.

With permission of the Senate, business was suspended to permit Mr. Russell to address and entertain the Senate.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 6259, which was being deliberated before the Senate went at ease.

MOTION

Senator Gaspard moved that the following amendments be considered simultaneously and be adopted:

On page 23, line 21, after "of a" insert "serious violent offense or a"

On page 24, line 16, after "of a" insert "serious violent offense or a"

On page 27, line 3, after "of a" insert "serious violent offense or a"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Gaspard on page 23, line 21; page 24, line 16 and page 27, line 3, to Second Substitute Senate Bill No. 6259.

The motion by Senator Gaspard carried and the amendments were adopted.

MOTIONS

On motion of Senator Gaspard the following amendments were considered simultaneously and were adopted:

On page 40, line 23, strike "committed on or after the effective date of this section"

On page 41, strike lines 9 and 10 and insert the following:

"(5) "Sex offense" for the purpose of sections 402 through 406 of this act means any offense defined as a sex offense by RCW 9.94A.030:

(a) Committed on or after the effective date of this section; or

(b) Committed prior to the effective date of this section if the person, as a result of the offense, is under the custody or active supervision of the department of corrections or the department of social and health services on or after the effective date of this section."

On page 41, line 31, strike "committed on or after the effective date of this section."

On page 42, line 3, strike "committed on or after the effective date of this section"

MOTION

Senator Madsen moved that the following amendment be adopted:

On page 45, line 2, after "the state," insert the following:

"NEW SECTION, Sec. 408. A new section is added to chapter 43.105 RCW to read as follows:

(1) A task force on the statewide exchange of electronic data is formed. The task force shall consist of seven members appointed by the governor and shall include the following persons: (a) The chief of the state patrol, (b) the attorney general, (c) the administrator for the courts, (d) the secretary of the department of social and health services, (e) the secretary of the department of corrections, (f) the director of the department of information services, and (g) the executive director of the association of sheriff's and police chiefs. Designees shall not be substituted for the members of the task force.

(2) The director of the department of information services shall serve as chair of the task force.

(3) The task force members shall receive no compensation for the performance of their duties but shall receive subsistence and mileage allowances under RCW 43.03.050 and 43.03.060.

(4) The department of information services shall provide clerical and other support to the task force to enable it to perform its functions. The department of information services shall be responsible for travel expenses of the task force members.

NEW SECTION. Sec. 409. A new section is added to chapter 43.105 RCW to read as follows:

The task force on the statewide exchange of electronic data shall study the most efficient and effective methods of electronically exchanging appropriate information between agencies. The task force shall review required information in different computer data bases and review informational requirements of the police, courts, and mental health agencies. The task force shall report to the senate law and justice committee and the house of representatives judiciary committee by January 1, 1991, on how to most efficiently transmit electronically, information between the several computer data bases."

Correct any internal references accordingly.

MOTION

On motion of Senator Madsen, and there being no objection, the amendment on page 45, line 2, was withdrawn.

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 47, line 9, after "percent." strike all material down to and including "account." on line 26, and insert

"Within thirty days of a determination that expenditures exceeded allotments by more than ten percent, the director of financial management shall develop a plan to reduce expenditures from the account to a level that does not exceed the allotments. Such a plan may include across-the-board reductions in allotments from the account to all nonjudicial agencies. In developing the plan, the director of financial management shall seek the cooperation of judicial agencies in reducing their expenditures from the account and shall give priority to maintaining the benefits under the crime victims compensation program. The director of financial management shall notify the legislative fiscal committees prior to developing the plan. Development of the plan is not required if the director of financial management notifies the legislative fiscal committees that increases in the official revenue forecast for the public safety and education account for that fiscal quarter will eliminate the need to reduce expenditures from the account."

Debate ensued.

MOTION

Senator Wojahn moved that the following amendment to the amendment by Senator Talmadge be adopted:

On line 15 of the amendment, strike "nonjudicial"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Wojahn on line 15, to the amendment by Senator Talmadge.

The motion by Senator Wojahn carried and the amendment to the amendment was adopted.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 47, line 9, as amended.

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Talmadge on page 47, line 9, as amended, to Second Substitute Senate Bill No. 6259.

ROLL CALL

The Secretary called the roll and the amendment, as amended, was not adopted by the following vote: Yeas, 23; nays, 24; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patrick, Patterson, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 24.

Absent: Senator Lee - 1.

Excused: Senator DeJarnatt - 1.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the Reverend William Sullivan, President of Seattle University, and head of the Seattle organizing committee planning the Goodwill Games to be held in Seattle this summer, who was seated on the rostrum.

With permission of the Senate, business was suspended to permit Father Sullivan to address the Senate about the upcoming Goodwill Games.

Father Sullivan then introduced Soviet athlete Yuri Sedykh, winner of two Olympic gold medals and world record holder in the hammer throw.

Mr. Sedykh addressed the Senate and explained that he would join the Goodwill Games because it created good relations and friendship between our two countries.

Mr. Sedykh, then introduced Edwin Moses, the American athlete who won two Olympic gold medals in the 400-meter hurdles.

Mr. Moses addressed the Senate and explained that he was a gold medal winner in the inaugural Goodwill Games in 1986 and will again be participating in the Goodwill Games this year.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 6259, which was under deliberation before the introduction of the special guests.

MOTION

Senator Gaspard moved that the following amendments be considered simultaneously and be adopted:

On page 47, line 15, after "agencies" insert "except for the crime victims compensation program"

On page 47, line 17, after "account" strike all material through "program" on line 19

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Gaspard on page 47, lines 15 and 17.

The motion by Senator Gaspard carried and the amendments were adopted.

MOTION

On motion of Senator Nelson, the following amendments by Senators Nelson and Talmadge were considered simultaneously and were adopted:

On page 88, beginning on line 3, after "(c)" strike "an act that has been determined to have been sexually motivated, then"

On page 88, line 7, after "imprisonment" and before the semicolon insert "if the act has been determined to have been sexually motivated"

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge, Johnson and West be adopted:

On page 89, line 33, after "services," insert "The facility shall not be located on the grounds of any state mental facility or regional habilitation center. in determining the site for the facility, the department shall consider the forensic facility study mandated by section 19, chapter 420, Laws of 1989."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Talmadge, Johnson and West on page 89, line 33, to Second Substitute Senate Bill No. 6259.

The motion by Senator Talmadge carried and the amendment was adopted.

MOTION

Senator Gaspard moved that the following amendment be adopted:

On page 110, after line 19, insert the following:

*PART XIII
APPROPRIATIONS

NEW SECTION. Sec. 1301. The sum of one hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of social and health services for the purposes of implementing an expanded victim/witness notification program involving sex and violent offenders who are juveniles or who are incompetent to stand trial or were found not guilty by reason of insanity.

NEW SECTION. Sec. 1302. The sum of two million eight hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of social and health services for the operational costs of the disposition and treatment alternatives for juvenile sex offenders.

NEW SECTION. Sec. 1303. The sum of two hundred fifty-three thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the Washington state patrol for the creation and operation of a central registry of sex offenders.

NEW SECTION. Sec. 1304. The sum of seven hundred sixty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the attorney general for the expansion of the homicide investigation and tracking system of serious violent crimes including sex offenses.

NEW SECTION. Sec. 1305. The sum of two million eight hundred thirteen thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of community development for the following purposes:

(1) Two million five hundred thousand dollars is for the purpose of funding the community treatment grants. In making these grants, the department of community development shall take the necessary steps to ensure an appropriate portion of these funds are provided to rural areas.

(2) Two hundred thirteen thousand dollars is to establish an office of victims' programs. This office shall consist of four full-time positions, one of which shall be exempt, and is responsible for operating the community treatment grant program, acting as an ombudsman for victims, and serving as a focal point for victims' issues.

(3) One hundred thousand dollars is for the purpose of ensuring crime victims are aware of their rights and the procedures for applying for benefits from the crime victims' compensation fund.

NEW SECTION. Sec. 1306. The sum of nine hundred seventy thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the public safety and education account to the department of labor and industries for the purposes of the crime victims' compensation fund.

NEW SECTION. Sec. 1307. The sum of one million three hundred twenty-eight thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of corrections for the following purposes:

(1) One hundred seventy-two thousand dollars is for operational costs associated with additional prison populations due to the increased penalties prescribed by this act.

(2) One million one hundred seven thousand dollars is for the improvement in sex offender treatment.

(3) Forty-nine thousand dollars is for the improvement in computer systems to allow better access to department of corrections' information by the state patrol and local law enforcement.

NEW SECTION. Sec. 1308. The sum of one million eight hundred seventy-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of social and health services for the operating expenditures of the civil commitment process established by sections 901 through 910 of this act. The department of social and health services shall reimburse county prosecutors for the costs of any commitment action brought using this authority.

NEW SECTION. Sec. 1309. The sum of one million three hundred ninety-one thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of social and health services to provide intensive voluntary supervision or treatment services for individuals who are at risk of committing sexual offenses but who cannot be committed civilly or who are not incarcerated. These funds shall be used primarily for developmentally disabled individuals in need of such services.

NEW SECTION. Sec. 1310. The sum of one million eight hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of social and health services to provide intensive treatment and other services to children who have been the victims of sexual offenses. These funds shall be used primarily for juveniles who are at risk of becoming offenders and are in need of residential services or intensive treatment and counseling services.

NEW SECTION. Sec. 1311. The sum of three hundred twenty-seven thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of corrections for the purposes of paying for polygraphs or plethysmographs for indigent individuals who have been convicted of a sex offense and which are required as a condition of their release. Polygraph and plethysmograph testing of sex offenders on supervision shall be conducted with payment reimbursements to the state provided by offenders who are not indigent.

NEW SECTION. Sec. 1312. The sum of five hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the Washington state institute for public policy for the purpose of beginning a research and evaluation effort to examine the effectiveness of victims' and juvenile and adult sex offender programs, including treatment. Decisions regarding the awarding of funds shall be made in consultation with an advisory panel. This advisory panel shall establish criteria to ensure that the funded projects meet the highest standards of methodological rigor and will be of value to state policy makers. In order to provide timely information to policy makers, a portion of the projects shall cover retrospective studies and another portion shall involve the design of longitudinal studies. The institute shall consider applicants from for-profit and non-profit organizations in addition to public universities and colleges in making awards pursuant to this section.

The advisory panel shall consist of the following:

- (1) Three academicians from state public and private universities, to be selected by the institute's board of directors;
- (2) The secretary of corrections or his or her designee;
- (3) One legislator appointed by the majority leader of the senate and one appointed by the speaker of the house of representatives;
- (4) A representative of crime victims, to be appointed by the governor; and
- (5) The research director of the sentencing guidelines commission.

NEW SECTION. Sec. 1313. The sum of one hundred six thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of social and health services for the purposes of renovating an institutional cottage to house juvenile sex offenders.

NEW SECTION. Sec. 1314. The sum of nine hundred ninety-one thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of social and health services for the purposes of construction of residential facilities to house a capacity of twenty-four juvenile sex offenders."

Renumber remaining part headings and sections consecutively, correct internal references, and correct the index accordingly.

Debate ensued.

Senator Gaspard demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Gaspard on page 110, after line 19, to Second Substitute Senate Bill No. 6259.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warrke, Williams, Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patrick, Paterson, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 25.

Excused: Senator DeJarnatt - 1.

MOTION

On motion of Senator Newhouse, the following amendment by Senators Newhouse, Nelson and Talmadge was adopted:

On page 110, after line 19, insert the following:

*PART XIII

TREATMENT FOR ABUSIVE PERSON REMOVED FROM HOME

Sec. 1301. Section 1, chapter 35, Laws of 1985 as amended by section 3, chapter 190, Laws of 1988 and RCW 26.44.063 are each amended to read as follows:

(1) It is the intent of the legislature to minimize trauma to a child involved in an allegation of sexual or physical abuse. The legislature declares that removing the child from the home often has the effect of further traumatizing the child. It is, therefore, the legislature's intent that the alleged offender, rather than the child, shall be removed from the home and that this

should be done at the earliest possible point of intervention in accordance with RCW 10.31.100, 13.34.130, this section, and RCW 26.44.130.

(2) In any judicial proceeding in which it is alleged that a child has been subjected to sexual or physical abuse, if the court finds reasonable grounds to believe that an incident of sexual or physical abuse has occurred, the court may, on its own motion, or the motion of the guardian ad litem or other parties, issue a temporary restraining order or preliminary injunction restraining or enjoining the person accused of committing the abuse from:

(a) Molesting or disturbing the peace of the alleged victim;

(b) Entering the family home of the alleged victim except as specifically authorized by the court; or

(c) Having any contact with the alleged victim, except as specifically authorized by the court.

(3) In issuing a temporary restraining order or preliminary injunction, the court may impose any additional restrictions that the court in its discretion determines are necessary to protect the child from further abuse or emotional trauma pending final resolution of the abuse allegations.

(4) The court shall issue a temporary restraining order prohibiting a person from entering the family home if the court finds that the order would eliminate the need for an out-of-home placement to protect the child's right to nurturance, health, and safety and is sufficient to protect the child from further sexual or physical abuse or coercion.

(5) The court may issue a temporary restraining order without requiring notice to the party to be restrained or other parties only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(6) A temporary restraining order or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding; and

(b) May be revoked or modified.

(7) The person having physical custody of the child shall have an affirmative duty to assist in the enforcement of the restraining order including but not limited to a duty to notify the court as soon as practicable of any violation of the order, a duty to request the assistance of law enforcement officers to enforce the order, and a duty to notify the department of social and health services of any violation of the order as soon as practicable if the department is a party to the action. Failure by the custodial party to discharge these affirmative duties shall be subject to contempt proceedings.

(8) A temporary restraining order issued under this section may not be revoked prior to final resolution of the abuse allegations until the person subject to the order has participated in a child abuse treatment program operated under section 1302 of this 1990 act.

(9) Willful violation of a court order entered under this section is a misdemeanor. A written order shall contain the court's directive and shall bear the legend: "Violation of this order is a criminal offense under chapter 26.44 RCW and will subject a violator to arrest."

NEW SECTION. Sec. 1302. A new section is added to chapter 26.44 RCW to read as follows:

(1) Whenever a person has committed a crime or violation against a child resulting in an order removing the person from the home, as a condition to the abusive person returning to the home where the child resides, the person shall participate in an educational program addressing the issue of child abuse and neglect, and, if necessary, family violence.

(2) A crime or violation against the child includes:

(a) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions;

(b) Physical, sexual, or emotional abuse of a child; or

(c) An act of domestic violence which rises to the level of a felony in which the child is either a victim or an observer.

(3)(a) The department of social and health services shall contract with hospitals or medical centers with appropriate facilities for child abuse treatment programs.

(b) The person shall pay for the treatment on the basis of his or her financial ability to pay. Moneys received shall be deposited into the public safety and education account.

(4) The person must prove by substantial evidence that he or she is no longer a threat to the child as demonstrated by:

(a) Successful completion of the treatment program;

(b) A recommendation by a licensed counselor of the program;

(c) Possession of the necessary skills to be able to handle a future occurrence; and

(d) Entering into an agreement to continue treatment if in the future the person finds that he or she feels abusive.

(5) If a person who has been removed from the home as specified under subsection (1) of this section requests visitation rights, the person shall be denied those rights unless such person proves by substantial evidence that he or she meets the factors set out in subsection (4) of this section.

(6) After undergoing treatment, any person who was in a parental role prior to removal shall be allowed to resume the parental role to the child on a probationary status. The person will be required to report to his or her counselor for a period of time as recommended by his or her counselor, for a period of not less than six months."

Renumber remaining part headings and sections consecutively and correct the index accordingly.

MOTION

On motion of Senator Nelson, the following title amendments were considered simultaneously and were adopted:

On page 1, line 6 of the title, after "9A.44.076," strike "and" and after "9A.88.010" insert ", and 26.44.063"

On page 1, line 18 of the title, after "Title 18 RCW;" insert "adding a new section to chapter 26.44 RCW;"

MOTION

On motion of Senator Nelson, Engrossed Second Substitute Senate Bill No. 6259 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6259.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6259 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6259, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

January 24, 1990

Mr. President:

The House has passed SUBSTITUTE HOUSE BILL NO. 2361, and the same is herewith transmitted.

DENNIS KARRAS, Deputy Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

SHB 2361 by Committee on Capital Facilities and Financing (originally sponsored by Representatives H. Sommers, Silver, Vekich, Sayan, Jones, Hargrove, Basich, Schoon, Braddock, Peery and Betzoff)

Clarifying the 1989 appropriation for dredging Grays Harbor.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 2361 was advanced to second reading and read the second time.

On motion of Senator Newhouse, Substitute House Bill No. 2361 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2361.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2361 and the bill passed the Senate by the following vote: Yeas, 43; absent, 5; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Fleming, Gaspard, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senators Barr, Conner, Hansen, Johnson, Moore - 5.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE HOUSE BILL NO. 2361, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Newhouse, the following resolution was adopted:

SENATE RESOLUTION 1990-8729

by Senators Benitz, Hayner, Vognild and Rasmussen

WHEREAS, A great international event, the 1990 Goodwill Games, will happen throughout Washington State from July 20 to August 5, 1990; and

WHEREAS, The world's eyes will be upon the Games, and as such we, the Games' hosts, the people and the state of Washington, will be unveiled to our greatest audience ever - potentially one billion people; and

WHEREAS, Sixty thousand international and out-of-state guests will experience the richness of our state in person: In the venues - Enumclaw, Federal Way, Kennewick, Redmond, Seattle, Spokane and Tacoma - and on the roads in between; truly our guests will traverse our coast, Cascades and fields of wheat; and

WHEREAS, As the world will see Washington, we will see the world; and our exposure to cultures diverse and the exposure of those cultures to each other will enhance the glorious demise of that impediment to world peace, which is fear of the unknown; and

WHEREAS, Twenty-five hundred athletes from fifty countries, east and west, will freely compete in our arenas, stadiums, and waterways, not to dominate each other, but to bring out the very best in each other. This is but a microcosm of the world as it will be: People from all nations in free competition and exchange of goods, commodities, and ideas in the marketplace of the world; and

WHEREAS, Washington State not only maintains the privilege and honor of hosting this important event, but reaps a tremendous economic benefit for doing so. Hosting the Goodwill Games will generate in our state new spending estimated at \$312,000,000; it will better this state's ability to successfully bid for other major events; and it will spawn tourism in our state for years to come; and

WHEREAS, The Washington State Senate applauds the efforts of all the thousands of individual volunteers, the sponsoring companies, and the cooperating local, state, national and foreign governments for making the dream of the Goodwill Games a reality in Washington State;

NOW, THEREFORE, BE IT RESOLVED, That together with the people of Washington, the Washington State Senate hereby proudly proclaims that this 24th day of January, 1990, is GOODWILL GAMES DAY in Washington State.

Senator Benitz spoke to Senate Resolution 1990-8729.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Superintendent of Public Instruction will be authorized to use the Senate Chamber, May 8, 1990, from 9:00 a.m. to 12:00 noon, for the purpose of the annual Excellence in Education Awards Ceremony.

On motion of Senator Newhouse, the Committee on Energy and Utilities was relieved of further consideration of Senate Bill No. 6741.

On motion of Senator Newhouse, Senate Bill No. 6741 was referred to the Committee on Environment and Natural Resources.

On motion of Senator Newhouse, the Committee on Law and Justice was relieved of further consideration of Senate Bill No. 6350.

On motion of Senator Newhouse, Senate Bill No. 6350 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Higher Education was relieved of further consideration of Senate Bill No. 6601.

On motion of Senator Newhouse, Senate Bill No. 6601 was referred to the Committee on Agriculture.

On motion of Senator Newhouse, the Committee on Transportation was relieved of further consideration of Senate Bill No. 6082.

On motion of Senator Newhouse, Senate Bill No. 6082 was referred to the Committee on Law and Justice.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 6632.

On motion of Senator Newhouse, Senate Bill No. 6632 was referred to the Committee on Ways and Means.

There being no objection, the President returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

January 23, 1990

2SSB 5203 Prime Sponsor, Committee on Ways and Means: Establishing the Washington state self-employment loan program. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Third Substitute Senate Bill No. 5203 be substituted therefor, and the third substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

January 18, 1990

SB 5637 Prime Sponsor, Senator Anderson: Changing powers and duties of the state board of education. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5637 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Benitz, Craswell, Metcalf.

Passed to Committee on Rules for second reading.

January 23, 1990

SB 5900 Prime Sponsor, Senator Anderson: Establishing a procedure to expand the electorate of water and sewer districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick.

MINORITY recommendation: Do not pass. Signed by Senator Sutherland.

Passed to Committee on Rules for second reading.

January 23, 1990

SB 6175 Prime Sponsor, Senator Craswell: Providing that information on all state agency bid requests be available to businesses. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6175 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

January 23, 1990

SB 6180 Prime Sponsor, Senator West: Providing confidentiality for certain basic health plan records and data. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

January 23, 1990

SB 6183 Prime Sponsor, Senator McCaslin: Exempting annexation proceedings from the state environmental policy act. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do Pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Patrick, Sutherland.

Passed to Committee on Rules for second reading.

January 23, 1990

SB 6191 Prime Sponsor, Senator West: Establishing the Washington state trauma care system. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6191 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Niemi, Wojahn.

Referred to Committee on Ways and Means.

January 23, 1990

SB 6210 Prime Sponsor, Senator Saling: Amending sunset provisions for radiologic technologists. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

January 23, 1990

SB 6234 Prime Sponsor, Senator von Reichbauer: Changing safety requirements for colleges and universities. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6234 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Bauer, Smitherman, Stratton, von Reichbauer.

Referred to Committee on Ways and Means.

January 23, 1990

SB 6254 Prime Sponsor, Senator Nelson: Requiring lot numbers and addresses be shown on recorded plats and short plats. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick.

Passed to Committee on Rules for second reading.

January 23, 1990

SB 6256 Prime Sponsor, Senator Nelson: Designating availability of utilities on recorded plats. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6256 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin; Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

January 23, 1990

SB 6257 Prime Sponsor, Senator Nelson: Amending requirements for land development applications. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6257 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

January 23, 1990

SB 6327 Prime Sponsor, Senator McCaslin: Exempting certain state patrol from the civil service. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

January 23, 1990

SB 6370 Prime Sponsor, Senator von Reichbauer: Changing provisions relating to changing the name of a city or town. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

January 23, 1990

SB 6383 Prime Sponsor, Senator Anderson: Promoting labor-management cooperation on the industrial insurance system. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6383 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

January 23, 1990

SB 6514 Prime Sponsor, Senator Newhouse: Revising provisions for attorney's fees before the department of labor and industries and the board of industrial insurance appeals. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

January 23, 1990

SB 6528 Prime Sponsor, Senator Patterson: Revising vessel pilots' license qualifications. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, DeJarnatt, Hansen, McMullen, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

January 23, 1990

SB 6627 Prime Sponsor, Senator von Reichbauer: Removing obsolete provisions of state ferry law. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, DeJarnatt, Hansen, McMullen, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

MOTION

At 12:43 p.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, January 25, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

EIGHTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 25, 1990

The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 23, 1990

SB 5568 Prime Sponsor, Senator von Reichbauer: Adjusting fees charged by county auditors and subagents. Reported by Committee on Transportation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5568 be substituted therefor, and the second substitute bill do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, DeJarnatt, Hansen, McMullen, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

January 24, 1990

SB 6189 Prime Sponsor, Senator McCaslin: Eliminating boundary review boards. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Patrick.

Passed to Committee on Rules for second reading.

January 23, 1990

SB 6195 Prime Sponsor, Senator Kreidler: Prohibiting the use of live animals to train hunting, tracking or fighting animals. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6195 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

January 24, 1990

SB 6201 Prime Sponsor, Senator Lee: Changing regulation of health studio services. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Matson, Murray, Smitherman, West, Williams.

Passed to Committee on Rules for second reading.

January 24, 1990

SB 6216 Prime Sponsor, Senator Saling: Creating the Washington community college exceptional faculty awards program. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6216 be substituted therefor, and the substitute bill do pass and be referred to Committee on

Ways and Means. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Stratton, von Reichbauer.

Referred to Committee on Ways and Means.

January 23, 1990

SB 6250 Prime Sponsor, Senator Owen: Providing complimentary fishing licenses. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

January 24, 1990

SB 6251 Prime Sponsor, Senator Rasmussen: Revising requirements for special license plates for prisoners of war spouses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Conner, Hansen, Madsen, Murray, Nelson, Patrick.

Passed to Committee on Rules for second reading.

January 24, 1990

SB 6253 Prime Sponsor, Senator Patterson: Providing a method to evaluate whether a "taking" has occurred. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Patrick, Sutherland.

Passed to Committee on Rules for second reading.

January 24, 1990

SB 6272 Prime Sponsor, Senator West: Providing for discipline of assistants of health care professionals. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

January 24, 1990

SB 6295 Prime Sponsor, Senator Matson: Regulating business relationships between manufacturers and distributors of agriculture equipment and independent retail dealers. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6295 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Murray, Saling, Smitherman, Williams.

Passed to Committee on Rules for second reading.

January 24, 1990

SB 6314 Prime Sponsor, Senator Metcalf: Regulating transporting waste material. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6314 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

January 24, 1990

SB 6326 Prime Sponsor, Senator Owen: Authorizing a southern Puget Sound water quality program. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, Kreidler, Owen, Patterson, Sutherland.

Referred to Committee on Ways and Means.

January 24, 1990

SB 6328 Prime Sponsor, Senator McCaslin: Changing requirements for state agency use of credit reporting agencies. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Patrick, Sutherland.

Passed to Committee on Rules for second reading.

January 23, 1990

SB 6412 Prime Sponsor, Senator McDonald: Funding the acquisition of land for wildlife conservation and outdoor recreation. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6412 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, DeJarnatt, Kreidler, Owen, Sutherland.

Referred to Committee on Ways and Means.

January 24, 1990

SB 6421 Prime Sponsor, Senator Rinehart: Adding submarine veterans of World War II to the list of organizations represented on the veterans affairs advisory committee. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Patrick, Sutherland.

Passed to Committee on Rules for second reading.

January 24, 1990

SB 6428 Prime Sponsor, Senator Talmadge: Restricting the use of chlorofluorocarbons. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, Kreidler, Patterson, Sutherland.

Referred to Committee on Ways and Means.

January 24, 1990

SB 6454 Prime Sponsor, Senator Rasmussen: Permitting the conversion of single family residences to include separate living quarters. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Patrick, Sutherland.

Passed to Committee on Rules for second reading.

January 24, 1990

SB 6463 Prime Sponsor, Senator Saling: Granting a greater voice to students in recommending budgets for services and activities fees. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6463 be substituted therefor, and the substitute bill do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Canlu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules for second reading.

January 23, 1990

SB 6560 Prime Sponsor, Senator Nelson: Strengthening odometer disclosure requirements. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6560 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; Bender, Benitz, DeJarnatt, Hansen, McMullen, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

January 23, 1990

SB 6564 Prime Sponsor, Senator von Reichbauer: Removing the pooling of funds by commercial fishers from the definition of insurer under the insurance code. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McMullen, Rasmussen, Smitherman, West.

Passed to Committee on Rules for second reading.

January 24, 1990

SB 6578 Prime Sponsor, Senator Metcalf: Providing for preferential procurement of recycled paper products. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6578 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

January 24, 1990

SB 6579 Prime Sponsor, Senator Metcalf: Creating programs to recycle newsprint. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6579 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

January 23, 1990

SB 6589 Prime Sponsor, Senator von Reichbauer: Changing provisions relating to which county a title insurer may do business. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6589 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McMullen, Rasmussen, Smitherman, West.

Passed to Committee on Rules for second reading.

January 23, 1990

SB 6648 Prime Sponsor, Senator Sutherland: Establishing penalties for attempts by vessel operators to elude pursuing law enforcement vessels. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Benitz, DeJarnatt, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

January 24, 1990

SB 6663 Prime Sponsor, Senator Patterson: Authorizing special license plates and emblems. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6663 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Conner, Madsen, Murray, Nelson, Patrick.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
President of the Senate
The Legislature of the State of Washington
Olympia, Washington
Mr. President:

On January 8, 1990, this office certified that we had begun the signature checking process on Initiative to the Legislature No. 109, which was originally filed with this office on April 19, 1989.

We have completed a canvass of 40,538 signatures out of 153,619 signatures submitted in support of this measure. Of the number canvassed, we have determined that 34,912 were signatures of legal voters, 4,655 were either not registered or illegible, and 971 were multiple signatures.

Article II, section 1A of the State Constitution establishes the minimum number of acceptable signatures in order to qualify an initiative measure for the ballot as eight percent of the total votes cast for the office of Governor, or 150,001 signatures. The total number of invalid signatures permissible on Initiative Measure No. 109, therefore is 3,618 (153,619 - 150,001).

Since the total number of invalid signatures discovered during the canvassing procedure was 5,626, which exceeds the permissible number, we have terminated the signature checking process and we are unable to certify the measure to you for your consideration.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the state of Washington, this 24th day of January, 1990.

(Seal)

RALPH MUNRO, Secretary of State

INTRODUCTION AND FIRST READING

SB 6774 by Senator Hansen

AN ACT Relating to the authority of third class cities to operate cable television systems; and adding a new section to chapter 35.92 RCW.

Referred to Committee on Energy and Utilities.

SB 6775 by Senators von Reichbauer and Gaspard

AN ACT Relating to creating a veterinary disciplinary board; amending RCW 18.92.015 and 18.92.030; and adding new sections to chapter 18.92 RCW.

Referred to Committee on Agriculture.

SB 6776 by Senators Nelson and Talmadge

AN ACT Relating to condominiums; amending RCW 64.34.020, 64.34.200, 64.34.304, 64.34.352, 64.34.360, 64.34.364, 64.34.372, 64.34.400, 64.34.415, 64.34.425, and 64.34.440; adding new sections to chapter 64.34 RCW; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6777 by Senator Madsen

AN ACT Relating to designating state route number 706 as the Road to Paradise; and amending RCW 47.17.820.

Referred to Committee on Transportation.

SB 6778 by Senators Craswell, Rasmussen, Nelson, Owen, McCaslin, McDonald, Patrick, Bailey, Lee and Metcalf

AN ACT Relating to prohibiting inmates from receiving sexually explicit mail; and adding a new section to chapter 72.09 RCW.

Referred to Committee on Law and Justice.

SB 6779 by Senators Barr, Madsen, Newhouse, Hansen, Benitz and Williams

AN ACT Relating to regional water resource planning; amending RCW 90.54.010, 90.54.030, and 90.54.040; and declaring an emergency.

Referred to Committee on Agriculture.

SB 6780 by Senators Newhouse, Hansen, Barr, Madsen, Bailey and Anderson

AN ACT Relating to farmworker housing inspection and standards; amending RCW 70.54.110; adding a new section to chapter 19.27A RCW; adding new sections to chapter 43.70 RCW; and making an appropriation.

Referred to Committee on Agriculture.

SB 6781 by Senators Newhouse, Matson, Benitz, Talmadge and Gaspard

AN ACT Relating to preserving the Stampede Pass rail line; and adding new sections to chapter 47.76 RCW.

Referred to Committee on Transportation.

SB 6782 by Senators Vognild, Warnke, Rinehart, Williams and Murray

AN ACT Relating to conditions of employment; amending RCW 49.46.130; and adding a new section to chapter 49.46 RCW.

Referred to Committee on Economic Development and Labor.

SB 6783 by Senators Patrick and DeJarnatt

AN ACT Relating to the design of on-site sewage disposal and water systems; amending RCW 18.43.130; and reenacting and amending RCW 43.20.050.

Referred to Committee on Governmental Operations.

SB 6784 by Senators Williams, Vognild and Warnke

AN ACT Relating to hours of labor; and adding new sections to chapter 49.28 RCW.

Referred to Committee on Economic Development and Labor.

SB 6785 by Senators Owen, Conner, Anderson, Johnson and DeJarnatt

AN ACT Relating to the imposition of business and occupation tax on Washington state licensed commercial fishermen; adding a new section to chapter 82.04 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6786 by Senator Patrick

AN ACT Relating to members of city and town legislative bodies serving the city or town in additional part-time capacities; and amending RCW 35.21.770.

Referred to Committee on Governmental Operations.

SB 6787 by Senators Anderson, Matson and Patrick

AN ACT Relating to industrial insurance; amending RCW 51.14.010, 51.14.020, 51.14.040, 51.14.077, and 51.14.080; and adding a new section to chapter 51.14 RCW.

Referred to Committee on Economic Development and Labor.

SB 6788 by Senators Sutherland, Owen and Bauer

AN ACT Relating to improvement of Columbia river recreational salmon and sturgeon fishing; adding new sections to chapter 75.25 RCW; adding a new section to chapter 75.48 RCW; adding a new section to chapter 75.30 RCW; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 6789 by Senators Smith, Stratton, Bailey, Talmadge, Patrick, Vognild, Johnson, Metcalf, Thorsness and Amondson

AN ACT Relating to the department of children, youth, and families; amending RCW 43.17.010 and 43.17.020; adding a new chapter to Title 43 RCW; adding a new section to chapter 41.06 RCW; and creating new sections.

Referred to Committee on Children and Family Services.

SB 6790 by Senators Williams, Lee and Smitherman

AN ACT Relating to contractors; amending RCW 18.27.040, 18.27.060, 18.27.080, and 18.27.114; adding new sections to chapter 18.27 RCW; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 6791 by Senator Williams

AN ACT Relating to consumer credit reporting; adding a new section to chapter 19.134 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SB 6792 by Senators Bluechel, Warnke, Hayner, Smitherman, Patrick, Niemi and Sellar

AN ACT Relating to the community diversification program; adding new sections to chapter 43.63A RCW; and creating a new section.

Referred to Committee on Economic Development and Labor.

SB 6793 by Senators Thorsness, Rasmussen, Metcalf, Craswell, Amondson, Johnson, Stratton, Lee, Smith and McCaslin

AN ACT Relating to driving while under the influence of alcohol or drugs; and amending RCW 46.61.515.

Referred to Committee on Law and Justice.

SB 6794 by Senators Fleming, Owen, Bender, Stratton and Conner

AN ACT Relating to the classification and valuation of multiple-unit buildings devoted primarily to low-income housing at current use value; adding a new chapter to Title 84 RCW; and providing a contingent effective date.

Referred to Committee on Ways and Means.

SB 6795 by Senators Moore, Williams, Vognild, Murray, Warnke and Smitherman

AN ACT Relating to conditions of employment; amending RCW 49.46.130; and adding a new section to chapter 49.46 RCW.

Referred to Committee on Economic Development and Labor.

SB 6796 by Senators Hansen, Warnke, Rasmussen, Vognild, McMullen, Moore, Smitherman, Bender, Stratton, Conner and Wojahn

AN ACT Relating to water discharge fees; and amending RCW 90.48.465 (Initiative Measure No. 97).

Referred to Committee on Environment and Natural Resources.

SB 6797 by Senators Benitz, Rasmussen, Conner, Metcalf, Patterson, Thorsness, Amondson and McMullen

AN ACT Relating to creating a fisheries 2000 council; adding a new section to chapter 75.08 RCW; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 6798 by Senator Smith

AN ACT Relating to cancellation of health care insurance; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 6799 by Senators Metcalf, Kreidler, Barr, Owen, Rinehart, Anderson, Lee, Patrick, Sutherland and Talmadge (by request of Governor Gardner)

AN ACT Relating to wellands protection and management; adding a new chapter to Title 90 RCW; adding a new section to chapter 76.09 RCW; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 6800 by Senators Warnke, Smitherman, Bender, Vognild, Talmadge, Moore, Fleming, Rasmussen, Williams, Gaspard, Wojahn, Kreidler, Owen, McMullen, Madsen, Murray, Niemi, Bauer, Stratton, Sutherland and Rinehart

AN ACT Relating to the Warren G. Magnuson institute for biomedical research and health professions training; adding new sections to chapter 28B.20 RCW; and making an appropriation.

Referred to Committee on Higher Education.

SB 6801 by Senators Sellar, Owen and Patrick

AN ACT Relating to the use of Washington state patrol approved audio headsets and earphones by motorcyclists; and amending RCW 46.37.480.

Referred to Committee on Transportation.

SB 6802 by Senators Sellar, Vognild, Benitz, Bailey and McCaslin

AN ACT Relating to reduced utility rates; and amending RCW 74.38.070.

Referred to Committee on Governmental Operations.

SJR 8238 by Senators Fleming, Owen, Bender, Stratton and Conner

Providing a lower tax base for low-income housing.

Referred to Committee on Ways and Means.

MOTION

At 12:07 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m. Friday, January 26, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 26, 1990

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Fleming, Johnson, McCaslin, McMullen, Moore, Patterson, Rasmussen, Rinehart, von Reichbauer and West. On motion of Senator Newhouse, Senate Rule 46 was enforced and the members of the Committee on Financial Institutions and Insurance, Senators Fleming, Johnson, McCaslin, McMullen, Moore, Rasmussen, von Reichbauer and West were excused. On motion of Senator Bender, Senator Rinehart was excused.

The Sergeant at Arms Color Guard, consisting of Pages Hilary Bigger and Jason Dodd, presented the Colors. The Reverend Randal Burtis, pastor of the Neighborhood Christian Center of Tumwater, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 25, 1990

SB 5300 Prime Sponsor, Senator Lee: Updating references to women and minorities in apprenticeship programs statute. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5300 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; McMullen, Murray, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

January 24, 1990

SB 5550 Prime Sponsor, Senator Lee: Providing a procedure for the classification and valuation of property devoted primarily to low-income housing. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Second Substitute Senate Bill No. 5550 be substituted therefor, and the second substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Matson, Murray, Williams.

Referred to Committee on Ways and Means.

January 24, 1990

SB 5783 Prime Sponsor, Senator Metcalf: Requiring that recycling receptacles for glass, paper, and aluminum be placed in state parks. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5783 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Benitz, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

January 25, 1990

SB 6252 Prime Sponsor, Senator Patterson: Enacting a moratorium on siting of hazardous waste disposal facilities. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Barr, Benitz, DeJarnatt, Patterson.

Passed to Committee on Rules for second reading.

January 24, 1990

SB 6300 Prime Sponsor, Senator Rasmussen: Permitting first cousin marriages in certain circumstances. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Niemi, Patrick, Rasmussen, Rinehart, Thorsness.

Passed to Committee on Rules for second reading.

January 25, 1990

SB 6344 Prime Sponsor, Senator Bailey: Revising provisions for regional support networks. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Niemi, Wojahn.

Passed to Committee on Rules for second reading.

January 25, 1990

SB 6345 Prime Sponsor, Senator Niemi: Providing health care for foster children. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Referred to Committee on Rules for second reading.

January 25, 1990

SB 6356 Prime Sponsor, Senator West: Amending health care authority provisions. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

January 25, 1990

SB 6539 Prime Sponsor, Senator Metcalf: Regulating water flows in natural drainages. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Barr, DeJarnatt, Kreidler, Patterson.

Passed to Committee on Rules for second reading.

January 24, 1990

SB 6571 Prime Sponsor, Senator Newhouse: Revising provisions for interpreters in legal proceedings. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Madsen, Newhouse, Niemi, Patrick, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 25, 1990

SB 6572 Prime Sponsor, Senator Benitz: Revising provisions on fraud in obtaining telecommunications services. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 6572 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Patrick, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

January 24, 1990

SB 6608 Prime Sponsor, Senator Nelson: Pertaining to enforcement of traffic violations. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6608 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 24, 1990

SB 6751 Prime Sponsor, Senator Nelson: Regarding uniform misdemeanor penalties. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Niemi, Patrick, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

January 24, 1990

Mr. President:

The House has passed:

HOUSE BILL NO. 1523,

ENGROSSED HOUSE BILL NO. 1836,

ENGROSSED HOUSE BILL NO. 2237,

ENGROSSED HOUSE JOINT MEMORIAL NO. 4019, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6803 by Senators Thorsness, Niemi, Nelson and McCaslin (by request of Department of Corrections)

AN ACT Relating to emergency siting and construction of correctional facilities; amending RCW 34.05.030; adding a new section to chapter 19.27 RCW; adding a new section to chapter 48.48 RCW; adding a new section to chapter 43.21C RCW; adding a new chapter to Title 72 RCW; repealing RCW 72.02.180 and 72.02.190; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6804 by Senator Williams

AN ACT Relating to credit information; and adding a new section to chapter 19.134 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 6805 by Senator Rasmussen

AN ACT Relating to the salaries of education employees; amending section 503, chapter 19, Laws of 1989 1st ex. sess. (uncodified); and amending section 504, chapter 19, Laws of 1989 1st ex. sess. (uncodified); and making appropriations.

Referred to Committee on Ways and Means.

SB 6806 by Senators West, Wojahn, Smith, Gaspard, Bailey and Vognild

AN ACT Relating to public assistance; amending RCW 74.04.005 and 74.04.770; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 6807 by Senators Benitz and Saling

AN ACT Relating to persons working in public schools; and amending RCW 28A.70.160, 28A.70.180, 28A.58.1001, 28A.58.1002, 28A.58.1003, and 43.43.845.

Referred to Committee on Education.

SB 6808 by Senators West and Johnson

AN ACT Relating to title insurers and their agents; amending RCW 48.30.140 and 48.30.150; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SB 6809 by Senators West, von Reichbauer, Rasmussen and Johnson

AN ACT Relating to withheld real estate brokerage commissions; and adding new sections to chapter 18.85 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 6810 by Senators Williams, Talmadge, Moore, Niemi and Rinehart

AN ACT Relating to public markets; and amending RCW 8.12.020, 35.22.280, and 35.92.040.

Referred to Committee on Governmental Operations.

SB 6811 by Senators von Reichbauer, Smitherman, Matson, Newhouse, Vognild, Sellar, Warnke, Johnson and McMullen

AN ACT Relating to eliminating investment advisor registration for a registered broker-dealer or broker-dealer salesperson acting as a financial planner; and amending RCW 21.20.040.

Referred to Committee on Financial Institutions and Insurance.

SB 6812 by Senators Patrick and Rasmussen

AN ACT Relating to the regulatory taking of private property by local government; and adding a new chapter to Title 8 RCW.

Referred to Committee on Law and Justice.

SJR 8239 by Senators Hayner, Newhouse, Stratton, Johnson, Rasmussen, Bluechel, Moore, Sellar, von Reichbauer, Benitz, Cantu, Matson, Craswell, Saling, Metcalf, Bailey, Amondson, Anderson, Thorsness, Barr, Patterson, McCaslin, McDonald, Nelson, Patrick and Smith

Limiting the purposes for which trust funds may be invested.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1523 by Representatives Kremen, Braddock and Spanel

Revising provisions for contractor advertising.

Referred to Committee on Economic Development and Labor.

EHB 1836 by Representatives Schoon, Rust, Winsley, Pruitt, G. Fisher, Doty, Dorn, Rasmussen, Brumsickle, Fraser, Youngsman, Walk and Valle

Revising restrictions for smoking in public places.

Referred to Committee on Health and Long-Term Care.

EHB 2237 by Representative Anderson

Enacting the Antibigotry and Bias Act of 1989.

Referred to Committee on Law and Justice.

EHJM 4019 by Representatives Nelson, D. Sommers and R. Fisher

Requesting equal income tax treatment of employer-provided transit passes and vehicle parking.

Referred to Committee on Transportation.

MOTION

On motion of Senator Newhouse, the rules were suspended and Senate Joint Memorial No. 8020, which had been introduced and held on the desk January 19, 1990, was advanced to second reading and placed on the second reading calendar.

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING

SENATE JOINT MEMORIAL NO. 8020, by Senators Thorsness, Vognild, Nelson, Bender, Amondson, Gaspard, Metcalf, Patterson, Conner, Benitz, Wojahn, Cantu, Bauer, Saling, Warnke, Johnson, Barr, Stratton, Bluechel, Smith, Kreidler, Anderson, Moore, Newhouse, Craswell, Bailey, Sellar, Sutherland, Madsen, Murray, Talmadge, West, Rasmussen, Patrick, von Reichbauer, Lee and Fleming

Requesting Congress to make disclosure regarding missing in action/prisoner of war Americans.

The joint memorial was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Joint Memorial No. 8020 was advanced to third reading, the second reading considered the third, and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8020.

MOTION

On motion of Senator Bender, Senator Smitherman was excused.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8020 and the joint memorial passed the Senate by the following vote: Yeas, 39; absent, 1; excused, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McDonald, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Rinehart, Saling, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, Warnke, Williams, Wojahn - 39.

Absent: Senator Patterson - 1.

Excused: Senators Fleming, Johnson, McCaslin, McMullen, Moore, Rasmussen, Smitherman, von Reichbauer, West - 9.

SENATE JOINT MEMORIAL NO. 8020, having received the constitutional majority, was declared passed.

PERSONAL PRIVILEGE

Senator Patrick: "Thank you, Mr. President. I have risen to a point of personal privilege to thank this body for allowing me to speak for the first time in this house on Wednesday. Indeed, it was my privilege and I certainly appreciate your allowing me to do so. I just hope that my future speeches will meet the high standards that you have set in this house over the many years. I have a little token of my appreciation for your allowing me to do so. Enjoy it; it is my favorite candy."

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9131, Patrick F. Donohue, as a member of the Board of Trustees for Walla Walla Community College District No. 20, was confirmed.

APPOINTMENT OF PATRICK F. DONOHUE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Fleming, McMullen, Moore, Smitherman - 4.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on rules was relieved of further consideration of Engrossed Substitute House Bill No. 2198.

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 2198 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Newhouse, the Committee on Higher Education was relieved of further consideration of Senate Bill No. 6715.

On motion of Senator Newhouse, Senate Bill No. 6715 was referred to the Committee on Governmental Operations.

On motion of Senator Newhouse, the Committee on Environment and Natural Resources was relieved of further consideration of Senate Bill No. 6799.

Senator Newhouse moved that Senate Bill No. 6799 be referred to the Committee on Agriculture.

POINT OF INQUIRY

Senator Vognild: "Senator Newhouse, we have some concerns with this assignment being somewhat out of the ordinary. We would like to have your assurance, as best you can, that this bill will not simply die in the Agricultural Committee, but it will be on this floor for debate and action."

Senator Newhouse: "Thank you for your question, Senator Vognild. This bill, for the information of the members, is the Wetlands Bill. It has a high priority for many people. It will be somewhat controversial. I have the assurance of the committee chairman that he is committed to not killing the bill in committee. It is important, but we have followed the policy, as you know, of water issues being referred to the 380 Agriculture Committee and this is very definitely a water issue."

Senate Bill No. 6799 was referred to the Committee on Agriculture.

MOTIONS

On motion of Senator Newhouse, the Committee on Economic Development and Labor was relieved of further consideration of Senate Bill No. 6597 and Senate Bill No. 6668.

On motion of Senator Newhouse, Senate Bill No. 6597 and Senate Bill No. 6668 were referred to the Committee on Ways and Means.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

January 24, 1990

Mr. President:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4428, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

January 26, 1990

Mr. President:

The Speaker has signed SUBSTITUTE HOUSE BILL NO. 2361, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 4428.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 2361.

PERSONAL PRIVILEGE

Senator Barr: "A point of personal privilege, Mr. President. One of the more senior members of our Senate that always took it upon himself to recognize the first speech on the floor of our new members is no longer with us. We miss him very much, so I would take that opportunity to do this in recognition of Senator Mike Patrick as he passed out his little contribution and obligation to this body for this first speech on the floor a day or two ago."

MOTION

At 10:31 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 10:50 a.m. by President Pritchard.

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2198, by Committee on Energy and Utilities (originally sponsored by Representatives Nelson, Hankins, Cooper, Miller, May, Jacobsen, Brooks, Todd and H. Myers)

Pertaining to energy efficiency and conservation.

The bill was read the second time.

MOTIONS

On motion of Senator Benitz, the following Committee on Energy and Utilities amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that using energy efficiently in housing is one of the lowest cost ways to meet consumer demand for energy; that using energy efficiently helps protect citizens of the state from negative impacts due to changes in energy supply and cost; that using energy efficiently will help mitigate negative environmental impacts of energy use and resource development; and that using energy efficiently will help stretch our present energy resources into the future. The legislature further finds that the electricity surplus in the Northwest is dwindling as the population increases and the economy expands, and that the region will eventually need new sources of electricity generation.

It is declared policy of the state of Washington that energy be used efficiently. It is the intent of this act to establish residential building standards that bring about the common use of energy efficient building methods, and to assure that such methods remain economically feasible and affordable to purchasers of newly constructed housing.

NEW SECTION. Sec. 2. A new section is added to chapter 19.27A RCW to read as follows:

Except as provided in RCW 19.27A.020(7), the Washington state energy code for residential buildings shall be the maximum and minimum energy code for residential buildings in each city, town, and county and shall be enforced by each city, town, and county no later than July 1, 1991. The Washington state energy code for nonresidential buildings shall be the minimum energy code for nonresidential buildings enforced by each city, town, and county.

Sec. 3. Section 3, chapter 76, Laws of 1979 ex. sess. as amended by section 2, chapter 144, Laws of 1985 and RCW 19.27A.020 are each amended to read as follows:

(1) No later than January 1, 1991, the state building code ((~~advisory~~) council shall promulgate rules(~~pursuant to chapter 34.04 RCW, for the purpose of adopting a revised~~) to be known as the Washington state energy code as part of the state building code. ((~~The revised code shall be designed to achieve reductions in energy consumption relative to buildings constructed to comply with the state energy code, June 30, 1980 edition, as amended.~~))

(2) The council shall follow the legislature's ((~~guidelines~~)) standards set forth in this section to ((~~design a revised~~) promulgate rules to be known as the Washington state energy code ((~~which requires~~)). The Washington state energy code shall be designed to require new buildings to meet a certain level of energy efficiency, but allow ((s)) flexibility in building design ((and)), construction, and heating equipment efficiencies within that framework. The Washington state energy code shall be designed to allow space heating equipment efficiency to offset or substitute for building envelope thermal performance.

(3) The ((~~revised~~) Washington state energy code shall take into account regional climatic conditions ((~~and shall be designed according to the following guidelines~~)). Climate zone 1 shall include all counties not included in climate zone 2. Climate zone 2 includes: Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman counties.

(4) The Washington state energy code for residential buildings shall require:

(a) ~~((For new electric resistance heated residential buildings, the code shall be designed))~~

New residential buildings that are space heated with electric resistance heating systems to achieve energy ~~((savings))~~ use equivalent to ~~((savings achieved))~~ that used in typical buildings constructed with:

(i) Ceilings insulated to a level of R-38~~((-except))~~. The code shall contain an exception which permits single rafter or joist vaulted ceilings ~~((may be))~~ insulated to a level of R-30 (R value includes insulation only);

(ii) In zone 1, walls insulated to a level of R-19 ~~((total assembly))~~ (R value includes insulation only), or constructed with two by four members, R-13 insulation batts, R-3.2 insulated sheathing, and other normal assembly components; in zone 2 walls insulated to a level of R-24 (R value includes insulation only), or constructed with two by six members, R-22 insulation batts, R-3.2 insulated sheathing, and other normal construction assembly components; for the purpose of determining equivalent thermal performance, the wall U-value shall be 0.058 in zone 1 and 0.044 in zone 2;

(iii) Below grade walls, insulated on the interior side, to a level of R-19 or, if insulated on the exterior side, to a level of R-10 in zone 1 and R-12 in zone 2 (R value includes insulation only);

(iv) Floors over unheated spaces insulated to a level of ~~((R-19 for areas with six thousand or less annual heating degree days and to a level of R-25 for areas with more than six thousand annual heating degree days))~~ R-30 (R value includes insulation only);

~~((iv))~~ (v) Slab on grade floors insulated to a level of R-10 at the perimeter;

(vi) Double glazed windows with ~~((tested R))~~ values not ~~((less))~~ more than ~~((1.79 when tested according to the procedures of the American architectural manufacturers association))~~ U-0.4; ~~((and~~

~~((v) in areas with more than six thousand annual heating degree days a maximum of seventeen percent of the floor area in glazing; in areas with six thousand or less annual heating degree days a maximum of twenty-one percent of the floor area in glazing))~~ (vii) In zone 1 the glazing area may be up to twenty-one percent of floor area and in zone 2 the glazing area may be up to seventeen percent of floor area where consideration of the thermal resistance values for other building components and solar heat gains through the glazing result in thermal performance equivalent to that achieved with thermal resistance values for other components determined in accordance with the equivalent thermal performance criteria of (a) of this subsection and glazing area equal to fifteen percent of the floor area. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area; and

(viii) Exterior doors insulated to a level of R-5; or an exterior wood door with a thermal resistance value of less than R-5 and values for other components determined in accordance with the equivalent thermal performance criteria of (a) of this subsection.

(b) ~~((For))~~ New residential buildings which are space-heated with ~~((other fuels, the code shall be designed))~~ all other forms of space heating to achieve energy ~~((savings))~~ use equivalent to ~~((savings achieved))~~ that used in typical buildings constructed with:

(i) Ceilings insulated to a level of R-30 in zone 1 and R-38 in zone 2 the code shall contain an exception which permits single rafter or joist vaulted ceilings insulated to a level of R-30 (R value includes insulation only);

(ii) Walls insulated to a level of R-19 ~~((total assembly))~~ (R value includes insulation only), or constructed with two by four members, R-13 insulation batts, R-3.2 insulated sheathing, and other normal assembly components;

(iii) Below grade walls, insulated on the interior side, to a level of R-19 or, if insulated on the exterior side, to a level of R-10 in zone 1 and R-12 in zone 2 (R value includes insulation only);

(iv) Floors over unheated spaces insulated to a level of R-19 in zone 1 and R-30 in zone 2 (R value includes insulation only);

~~((iv))~~ (v) Slab on grade floors insulated to a level of R-10 at the perimeter;

(vi) Heat pumps with a minimum heating season performance factor (HSPF) of 6.8 or with all other energy sources with a minimum annual fuel utilization efficiency (AFUE) of seventy-eight percent;

(vii) Double glazed windows with ~~((tested R))~~ values not ~~((less))~~ more than ~~((1.46 when tested according to the procedures of the American architectural manufacturers association))~~ U-0.65 in zone 1 and U-0.60 in zone 2. The state building code council, in consultation with the state energy office, shall review these U-values, and, if economically justified for consumers, shall amend the Washington state energy code to improve the U-values by December 1, 1993. The amendment shall not take effect until July 1, 1994; and

~~((v) in areas with more than six thousand annual heating degree days a))~~ (viii) In zone 1, the maximum ~~((of seventeen))~~ glazing area shall be twenty-one percent of the floor area ~~((in glazing; in areas with six thousand or less annual heating degree days a maximum of twenty-~~

one percent of the floor area in glazing)). In zone 2 the maximum glazing area shall be seven percent of the floor area. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area.

(c) For ((new nonresidential buildings;)) log built homes with space heat other than electric resistance, the building code council shall establish equivalent thermal performance standards consistent with the standards and maximum glazing areas of (b) of this subsection.

(d) The state building code council may approve an energy code for pilot projects of residential construction that use innovative energy efficiency technologies intended to result in savings that are greater than those realized in the levels specified in this section.

(5) U-values for glazing shall be determined using the area weighted average of all glazing in the building. U-values for glazing are the tested values for thermal transmittance due to conduction resulting from either the American architectural manufacturers' association (AAMA) 1503.1 test procedure or the American society for testing materials (ASTM) C236 or C976 test procedures. Testing shall be conducted under established winter horizontal heat flow test conditions using the fifteen miles per hour wind speed perpendicular to the exterior surface of the glazing as specified under AAMA 1503.1 and product sample sizes specified under AAMA 1503.1. The AAMA 1503.1 testing must be conducted by an AAMA certified testing laboratory. The ASTM C236 or C976 testing U-values include any tested values resulting from a future revised AAMA 1503.1 test procedure. Sealed insulation glass, where used, shall conform to ASTM E-774-81 level A or better. The state building code council shall maintain a list of the tested U-values for glazing products available in the state.

(6) The minimum state energy code for new nonresidential buildings shall be ((designed to achieve a ten-percent reduction in energy consumption relative to buildings constructed to comply with)) the Washington state energy code, ((June 30, 1986)) 1986 edition, as amended.

((2) in developing the revised code, the council shall consider possible health and respiratory problems caused by insulating buildings so tightly that the rate of air exchange is significantly retarded, thereby concentrating toxic pollutants at unhealthy high levels.

(3) The council shall publish the revision as proposed rules pursuant to chapter 34.04 RCW and provide for the rules to become effective January 1, 1986. All cities, towns, and counties shall enforce the revised state energy code not later than April 1, 1986;))

(7)(a) Except as provided in (b) of this subsection, the Washington state energy code for residential structures shall preempt the residential energy code of each city, town, and county in the state of Washington.

(b) The state energy code for residential structures does not preempt a city, town, or county's energy code for residential structures which exceeds the requirements of the state energy code and which was adopted by the city, town, or county prior to the effective date of this section. Such cities, towns, or counties may not subsequently amend their energy code for residential structures to exceed the requirements adopted prior to the effective date of this section.

(8) The state building code council shall consult with the state energy office as provided in RCW 34.05.310 prior to publication of proposed rules. The state energy office shall review the proposed rules for consistency with the guidelines adopted in subsection (4) of this section. The director of the state energy office shall recommend to the state building code council any changes necessary to conform the proposed rules to the requirements of this section.

(9) The state building code council shall conduct a study of county and city enforcement of energy codes in the state. In conducting the study, the council shall conduct public hearings at designated council meetings to seek input from interested individuals and organizations, and to the extent possible, hold these meetings in conjunction with adopting rules under this section. The study shall include recommendations as to how code enforcement may be improved. The findings of the study shall be submitted in a report to the legislature no later than January 1, 1991.

(10) If any electric utility providing electric service to customers in the state of Washington purchases at least one percent of its firm energy load from a federal agency, pursuant to section 5.(b)(1) of the pacific northwest electric power planning and conservation act (P.L. 96-501), and such utility is unable to obtain from that agency at least fifty percent of the funds for payments required by section 4 of this act, the amendments to this section by this 1990 act shall be null and void, and the 1986 state energy code shall be in effect, except that a city, town, or county may enforce a local energy code with more stringent energy requirements adopted prior to the effective date of this section. This subsection shall expire June 30, 1995.

NEW SECTION. Sec. 4. A new section is added to chapter 19.27A RCW to read as follows:

(1) Electric utilities shall make payments to the owner at the time of construction of a newly constructed residential building with electric resistance space heat built in compliance with the requirements of the Washington state energy code adopted pursuant to RCW 19.27A.020 or a residential energy code in effect pursuant to RCW 19.27A.020(7). All or a portion of the funds for payments may be accepted from federal agencies or other sources. Payments are required for residential buildings on which construction has begun on or after July 1, 1991, and prior to July 1, 1995. Payments in an amount equal to a fixed sum of at least nine hundred dollars per single family residence are required for such buildings so constructed which are single family residences having two thousand square feet or less of finished floor area. Payments in an amount

equal to a fixed sum of at least three hundred ninety dollars per multifamily residential unit, are required for such buildings so constructed which are multifamily residential units. For purposes of this section, a zero lot line home and each unit in a duplex and each attached housing unit in a planned unit development shall each be considered a single family residence.

(2) Electric utilities which provide electrical service in jurisdictions in which the local government has adopted an energy code not preempted by RCW 19.27A.020(7)(b) shall make payments as provided in subsection (1) of this section for residential buildings on which construction has begun on or after the effective date of this section and prior to July 1, 1991.

(3) Nothing in this section shall prohibit an electric utility from providing incentives in excess of the payments required by this section or from providing additional incentives for energy efficiency measures in excess of those required under RCW 19.27A.020.

(4) This section is null and void if any electric utility providing electric service to its customers in the state of Washington purchases at least one percent of its firm energy load from a federal agency, pursuant to section 5.(b)(1) of the Pacific Northwest Electric Power Planning and Conservation Act (P.L. 96-501), and if such electric utility is unable to obtain from the agency at least fifty percent of the funds to make the payments required by this section. This subsection shall expire June 30, 1995.

(5) The utilities and transportation commission shall provide an appropriate regulatory mechanism which allows a utility regulated by the commission to recover expenses incurred by the utility in making payments under this section.

(6) Subsections (1) through (3) of this section shall expire July 1, 1996.

NEW SECTION. Sec. 5. A new section is added to chapter 19.27A RCW to read as follows:

The state building code council shall maintain the state energy code for residential structures in a status which is consistent with the state's interest as set forth in section 1 of this act. In maintaining the Washington state energy code for residential structures, beginning in 1996 the council shall review the Washington state energy code every three years. After January 1, 1996, by rule adopted pursuant to chapter 34.05 RCW, the council may amend any provisions of the Washington state energy code to increase the energy efficiency of newly constructed residential buildings. Decisions to amend the Washington state energy code for residential structures shall be made prior to December 1 of any year and shall not take effect before the end of the regular legislative session in the next year.

NEW SECTION. Sec. 6. A new section is added to chapter 19.27A RCW to read as follows:

There is hereby created in the state treasury the energy code training account. The Washington state energy office shall administer expenditures from this account for the purpose of providing training for the inspection and training for the enforcement by local governments of the Washington state energy code in effect pursuant to RCW 19.27A.020. The revenues into this account shall derive from assessments by the state energy office on all investor-owned and publicly owned gas and electric utilities in the state of Washington in proportion to the number of housing starts served by a utility in 1989, based on an amount of one hundred fifty dollars per energy code inspection or enforcement official that is within the service area of the utility. Assessments may be made between January 1, 1991, and July 1, 1991. Federal funds available to qualifying utilities for code inspection retraining shall be used before obtaining funds from utilities under this section. Additional funds may be deposited in the account from federal agencies or other sources. All or a portion of the funds for the cost of local government inspection and enforcement may be accepted from federal agencies or other sources.

NEW SECTION. Sec. 7. A new section is added to chapter 19.27 RCW to read as follows:

(1)(a) Not later than January 1, 1991, the state building code council, in consultation with the state energy office, shall establish interim requirements for the maintenance of indoor air quality in newly constructed residential buildings. In establishing the interim requirements, the council shall take into consideration differences in heating fuels and heating system types. These requirements shall be in effect July 1, 1991, through June 30, 1993.

(b) The interim requirements for new electrically space heated residential buildings shall include ventilation standards which provide for mechanical ventilation in areas of the residence where water vapor or cooking odors are produced. The ventilation shall be exhausted to the outside of the structure. The ventilation standards shall further provide for the capacity to supply outside air to each bedroom and the main living area through dedicated supply air inlet locations in walls, or in an equivalent manner. At least one exhaust fan in the home shall be controlled by a dehumidistat or clock timer to ensure that sufficient whole house ventilation is regularly provided as needed.

(c)(i) For new single family residences with electric space heating systems, zero lot line homes, each unit in a duplex, and each attached housing unit in a planned unit development, the ventilation standards shall include fifty cubic feet per minute of effective installed ventilation capacity in each bathroom and one hundred cubic feet per minute of effective installed ventilation capacity in each kitchen.

(ii) For other new residential units with electric space heating systems the ventilation standards may be satisfied by the installation of two exhaust fans with a combined effective installed ventilation capacity of two hundred cubic feet per minute.

(iii) Effective installed ventilation capacity means the capability to deliver the specified ventilation rates for the actual design of the ventilation system. Natural ventilation and infiltration shall not be considered acceptable substitutes for mechanical ventilation.

(d) For new residential buildings that are space heated with other than electric space heating systems, the interim standards shall be designed to result in indoor air quality equivalent to that achieved with the interim ventilation standards for electric space heated homes.

(e) The interim requirements for all newly constructed residential buildings shall include standards for indoor air quality pollutant source control, including the following requirements: All structural panel components of the residence shall comply with appropriate standards for the emission of formaldehyde; the back-drafting of combustion by-products from combustion appliances shall be minimized through the use of dampers, vents, outside combustion air sources, or other appropriate technologies; and, in areas of the state where monitored data indicate action is necessary to inhibit indoor radon gas concentrations from exceeding appropriate health standards, entry of radon gas into homes shall be minimized through appropriate foundation construction measures.

(2) No later than January 1, 1993, the state building code council, in consultation with the state energy office, shall establish final requirements for the maintenance of indoor air quality in newly constructed residences to be in effect beginning July 1, 1993. For new electrically space heated residential buildings, these requirements shall maintain indoor air quality equivalent to that provided by the mechanical ventilation and indoor air pollutant source control requirements included in the February 7, 1989, Bonneville power administration record of decision for the environmental impact statement on new energy efficient homes programs (DOE/EIS-0127F) built with electric space heating. In residential units other than single family, zero lot line, duplexes, and attached housing units in planned unit developments, ventilation requirements may be satisfied by the installation of two exhaust fans with a combined effective installed ventilation capacity of two hundred cubic feet per minute. For new residential buildings that are space heated with other than electric space heating systems, the standards shall be designed to result in indoor air quality equivalent to that achieved with the ventilation and source control standards for electric space heated homes. In establishing the final requirements, the council shall take into consideration differences in heating fuels and heating system types.

NEW SECTION, Sec. 8. A new section is added to chapter 4.24 RCW to read as follows:

It is a defense in a civil action brought for damages for injury caused by indoor air pollutants in a residential structure on which construction was begun on or after July 1, 1991, that the builder or design professional complied in good faith, without negligence or misconduct, with:

- (1) Building product safety standards, including labeling;
- (2) Restrictions on the use of building materials known or believed to contain substances that contribute to indoor air pollution; and
- (3) The ventilation requirements adopted under section 7 of this act.

NEW SECTION, Sec. 9. A new section is added to chapter 80.28 RCW to read as follows:

(1) The commission shall adopt a policy allowing an incentive rate of return on investment (a) for payments made under section 4 of this act and (b) for programs that improve the efficiency of energy end use if priority is given to senior citizens and low-income citizens in the course of carrying out such programs. The incentive rate of return on investments set forth in this subsection is established by adding an increment of two percent to the rate of return on common equity permitted on the company's other investments.

(2) The commission shall consider and may adopt a policy allowing an incentive rate of return on investment in additional programs to improve the efficiency of energy end use or other incentive policies to encourage utility investment in such programs.

(3) The commission shall consider and may adopt other policies to protect a company from a reduction of short-term earnings that may be a direct result of utility programs to increase the efficiency of energy use. These policies may include allowing a periodic rate adjustment for investments in end use efficiency or allowing changes in price structure designed to produce additional new revenue.

(4) The commission may adopt a policy allowing the recovery of a utility's expenses incurred under section 6 of this act.

NEW SECTION, Sec. 10. A new section is added to chapter 82.16 RCW to read as follows:

(1) In computing tax under this chapter there shall be deducted from the gross income:

- (a) Payments made under section 4 of this act; and
- (b) Those amounts expended on additional programs that improve the efficiency of energy end use if priority is given to senior citizens and low-income citizens in the course of carrying out such programs.

(2) The department, after consultation with the utilities and transportation commission in the case of investor-owned utilities and the governing bodies of locally regulated utilities, shall determine the eligibility of individual programs for deductions under this section.

(3) Until July 1, 1992, utilities may deduct from the amount of tax paid under this chapter fifty percent of the payments made under section 6 of this act, excluding any federal funds that are passed through to a utility for the purpose of retraining local code officials.

(4) This section shall expire January 1, 1996.

Sec. 11. Section 4, chapter 96, Laws of 1974 ex. sess. as last amended by section 8, chapter 360, Laws of 1985 and RCW 19.27.040 are each amended to read as follows:

The governing body of each county or city is authorized to amend the state building code as it applies within the jurisdiction of the county or city. The minimum performance standards of the codes and the objectives enumerated in RCW 19.27.020 shall not be diminished by any county or city amendments. (~~Amendments to RCW 19.27A.010 shall not result in structures that exceed the overall structural heat loss characteristics that would have resulted from conforming to RCW 19.27A.010;~~)

Nothing in this chapter shall authorize any modifications of the requirements of chapter 70.92 RCW.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 96, Laws of 1974 ex. sess., section 8, chapter 110, Laws of 1975 1st ex. sess., section 11, chapter 14, Laws of 1977 ex. sess., section 1, chapter 76, Laws of 1979 ex. sess., section 1, chapter 8, Laws of 1980, section 1, chapter 101, Laws of 1984, section 1, chapter 144, Laws of 1985 and RCW 19.27A.010;

(2) Section 3, chapter 144, Laws of 1985, section 1, chapter 204, Laws of 1988 and RCW 19.27A.030; and

(3) Section 4, chapter 144, Laws of 1985, section 2, chapter 204, Laws of 1988 and RCW 19.27A.040.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. Sections 1 through 4, 6, 7, 9, and 10 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect March 1, 1990. Sections 11 and 12 of this act shall take effect January 1, 1991. Section 8 of this act shall take effect July 1, 1991.

On motion of Senator Benitz, the following title amendment was adopted:

On page 1, line 1 of the title, after "conservation," strike the remainder of the title and insert "amending RCW 19.27A.020 and 19.27.040; adding new sections to chapter 19.27A RCW; adding a new section to chapter 19.27 RCW; adding a new section to chapter 4.24 RCW; adding a new section to chapter 80.28 RCW; adding a new section to chapter 82.16 RCW; creating a new section; repealing RCW 19.27A.010, 19.27A.030, and 19.27A.040; providing effective dates; and declaring an emergency."

MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute House Bill No. 2198, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute House Bill No. 2198, as amended by the Senate, was deferred.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

January 26, 1990

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4434, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4434 by Representatives Ebersole and Ballard

Recognizing Medal of Merit recipients.

MOTION

On motion of Senator Newhouse, the rules were suspended and House Concurrent Resolution No. 4434 was advanced to second reading and placed on the second reading calendar.

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4434, by Representatives Ebersole and Ballard

Recognizing Medal of Merit recipients.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4434 was advanced to third reading, the second reading considered the third, and the concurrent resolution was placed on final passage.

House Concurrent Resolution No. 4434 was adopted by voice vote.

MOTION

At 10:54 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

At 10:54 a.m., the Senate retired to the House Chamber for the purpose of a joint session.

JOINT SESSION

WASHINGTON STATE MEDAL OF MERIT AWARD CEREMONY

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

The Speaker (Representative O'Brien presiding) instructed the Sergeants at Arms of the House and Senate to escort the President of the Senate, Lieutenant Governor Joel Pritchard, President Pro Tempore Alan Bluechel, Vice President Pro Tempore Ellen Craswell, Majority Leader Jeannette Hayner and Democratic Leader Larry Vognil to seats on the rostrum.

The Speaker (Representative O'Brien presiding) invited the Senators to seats within the House Chamber.

REMARKS BY THE SPEAKER PRO TEMPORE

The Speaker (Representative O'Brien presiding): "It is our privilege to again host the award ceremony for the winners of the Medal of Merit. We welcome you, President Pritchard, our colleagues from the Senate, medal recipients and all other guests who are with us today. It is a pleasure for me to give you, President Pritchard, the gavel to preside over this Joint Session."

The Speaker (Representative O'Brien presiding) presented the gavel to President Pritchard.

The Secretary of the Senate called the roll of the Senate and all members were present except Senators Fleming, McMullen, Moore and Smitherman, who were excused.

The Clerk of the House called the roll of the House and all members were present except Representatives Todd, Wang and Speaker King, who were excused.

The President of the Senate appointed Senators Anderson and Rinehart and Representatives Baugher and Wood as a special committee to advise Governor Booth Gardner that the Joint Session had assembled and to escort him from his Office to a seat on the rostrum.

The President appointed Senator McDonald and Representatives Valle and McLean as a special committee to escort the Supreme Court Justices from the State Reception Room to seats within the House Chamber.

The President appointed Senator Patterson and Representative Dorn as a special committee to escort the State Elected Officials from the State Reception Room to seats within the House Chamber.

The President welcomed the Governor, the members of the Supreme Court and the State Elected Officials.

The President introduced distinguished guests seated in the North Gallery, including Mrs. Jean Gardner, First Lady of the state of Washington. Guests present to honor Mr. James Reed Ellis included his son and daughter-in-law, Mr. and Mrs. Robert Ellis, and his daughter and son-in-law, Mr. and Mrs. Mark Erickson. Guests from Washington State University, of Mrs. Frances Penrose Owen included Dr. Glenn Terrell, President Emeritus; Dr. Samuel Smith, President; Mr. Scott B. Lukins, President, Board of Regents; Mr. Robert Gibb, former Regent; Mrs. Ruth Gibb; Mr. Robert McEachern, former Regent; Mr. "Dutch" Hayner, former Regent; Mr. Vitt Ferrucci, former Regent; Mrs. Mary Ferrucci; Mr. Warren Bishop, former Vice President; Mrs. Barbara Bishop; Mr. Robert Smawley, Assistant to Vice President for University Development; Mrs. Carol Smawley; Mr. Tim Marsh, News and Information; Mrs. Gen DeVleming, Executive Assistant to the President and Board of Regents; and Mr. Art McCartan, Emeritus Dean of Students.

The President of the Senate returned the gavel to the Speaker (Representative O'Brien presiding).

REMARKS BY THE SPEAKER PRO TEMPORE

The Speaker (Representative O'Brien presiding): "The purpose of the Joint Session is to present Medal of Merit awards, for the fourth time, to two deserving Washington State citizens who have been distinguished by exceptionally meritorious conduct in performing outstanding services to the people and state of Washington. Ladies and gentlemen, the Speaker has the honor to present to you Lieutenant Governor Joel Pritchard for the purpose of introducing and honoring James Reed Ellis."

REMARKS BY THE PRESIDENT INTRODUCTION OF JAMES REED ELLIS

President Pritchard: "In introducing James Ellis to you here in the Chamber, rather than go through a long litany of all of the things he has accomplished and all the awards he has been given, I would like to talk about his characteristics and how I would hope other people would emulate those characteristics in order that they, too, can make an impact on their community.

"The first thing about Jim is that he is truly a modest person. He gives credit to other people. When I think of him, I think of him driving an old car and generally wearing a suit that looks like it just came through a rain storm. He has had this habit for many years. When I was far younger, I heard my mother one day say, 'Somebody should talk to Jim Ellis' parents.' The other person said, 'What's wrong?' She said, 'Well, he's out there, going through law school, and all he does is wear his old army clothes.' And someone else said, 'Jim is so stubborn, he won't take help from anyone, and you can't tell him a thing.' He truly is a modest man.

"He is a great motivator. His enthusiasm is contagious and his persuasion is deadly. When he asks you to do something--I don't know how many times I have heard someone say--'I really shouldn't be on this committee,' or 'I really shouldn't be taking the time to work on this thing,' but how do you say 'no' to Jim Ellis?

"He is an original thinker. When he devised the idea of using that space over the freeway for the Freeway Park, this was the first time in America that the air space over a freeway was used. Now, it has been copied all over America. Before he put together the Forward Thrust Program, ideas generally came from the top down in the old days in Seattle. There were some very good people who used to sit around in the Rainier Club, and they did some pretty good things, but times changed, and Jim devised the Forward Thrust Program in which over two hundred people were on committees all over our county. They held hearings and meetings all over the county. The Forward Thrust Program came from the bottom up. It is the way things have to be done today. Jim was ahead of his time.

"He has another characteristic--he refuses to give up. Somebody said that there are lots of people who are starters in the world, but Jim Ellis is a finisher. From cleaning up Lake Washington or the Forward Thrust Program that built parks--he helped the zoo, put in swimming pools and made an enormous change in our

community. In every one of those cases, it was hard going. And, in almost every situation, there was a time when conventional wisdom said that it couldn't be done. I can think of the times when people said, 'It is a good idea he has, but it'll never get through.' Sometimes the idea was put to a vote of the people; then the committees had to put it back up to the vote of the people; there had to be changes and more effort, but eventually those programs went through. Our community is better off because of those efforts. He is dogged in how he works.

"He is a sensitive person. I think the best example is when we were having the racial unrest in the sixties, when Jim was a new person on the Board of Regents. That was an explosive situation and he took command, because he was the only one whom all sides trusted and felt understood the problem. He got through that period. I think that was Jim Ellis' finest hour. He is sensitive to other people, and he understands how the other person feels.

"He has had some failures. He tried to put a rapid transit system into Seattle. What a foolish idea--a rapid transit system. The sad thing was that he had the funding worked out, working with Scoop and Maggie and elected officials on both sides of the aisle, but we failed.

"So, he hasn't had a perfect record. He also tried to do some community-wide planning. Think of that. Planning all over the county--thirty years ago. He was ahead of his time. When he was thirty-three, he went before the business community of Seattle, the Seattle Rotary Club. He did not represent a corporation and he did not represent a person of great wealth and he did not hold a public office, but he stood up there and made a clarion call to do something about Lake Washington. This gem, this wonderful resource we had, was becoming a point for sewage. If you swam there, you couldn't see the bottom, and the fish were leaving. He rallied the troops and turned that around. It didn't get passed the first time, but you remember he was thirty-three years old and the force of his ideas and the force of his personality prevailed. Today, we have Lake Washington. People for years will get the benefit of that effort.

"He has had some tragedies. He lost a brother in war. He lost a daughter in an accident. Several years ago he lost his wife. He always dedicates himself even more so to their memories, as he goes out to work.

"He has given more of his time and a higher percentage of his assets to other people than any person I have known in my life. At this point I would like to read something that I think fits him. Many of you have heard this before:

'It is not the critic who counts; not the man who points out how the strong man stumbles or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs and comes short again and again, because there is no effort without error and shortcomings; but who does actually strive to do the deed; who knows the great enthusiasms, the great devotions; who spends himself in worthy cause; who at the best knows in the end the triumph of high achievement and who, at the worst if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who know neither victory nor defeat.'

"Teddy Roosevelt wrote that many years ago. It is fitting now and today. It certainly fits our nominee. I am not going to go into what he has done on the national scene or all the other things. I am going to stop here and just say what a privilege it is for me--a high honor--to introduce James Reed Ellis as one of our recipients."

President Pritchard presented the Medal of Merit to Mr. James Reed Ellis.

REMARKS BY JAMES REED ELLIS

Mr. Ellis: "Thank you, Governor Pritchard, for those extraordinarily kind and personal remarks. I also appreciate greatly, Governor Gardner, Speaker King, Justice Callow, Secretary of State Munro, for giving me the honor to stand with Frances Owen, before you today, and to be in the company of the great Washingtonians who have received this award. I am a little bit, more than a little bit, embarrassed. My history is one of civic activist. One of the ironies of civic activity is a public focus

of credit and blame upon a single individual for what is almost always the work of many people. Every effort, in which Mary Lou and I were involved, had dozens of co-authors, co-organizers and co-leaders. Without them, none of those things could have happened.

"I am pleased that my family is here today. Last November, Lynn and Mark, who have lived here for some time where Mark is a city attorney, somehow got me invited to speak to the Olympia Chamber of Commerce. My eight-year-old grandson Matthew, who lives here, came to the luncheon, accompanied by his dad to keep him under control. After lunch, Matt was invited to go up to the podium and draw out of the bowl for the door prize. At his height, when he got to the podium, he disappeared completely behind it. You couldn't see him. And, when someone in the audience questioned whether or not there really was in fact a drawing going on, Matt reached up from behind the podium with his arm and waved it back and forth with a white slip of paper. This brought down the house. I remember thinking, 'At least one more citizen politician will come from the next generation.'

"Of course, the process of building communities extends from one generation to another. Our family roots go deep in this state, and Mary Lou and I often marveled at the tremendous achievements of the pioneers. They created parks we take for granted and took for granted. They plowed rich farms out of stump land and sage brush. They developed the schools that shaped our values. They created great universities. They established a tradition of honest government, caring families and caring neighbors. We knew that we were building upon the shoulders of people who had gone before, and we believed that in a later time other men and women would build on what they found--good and bad.

"Today's challenges are as great in their own way as anything that faced people who came before. Will we spread the benefits of economic growth to people and places that have been passed by? Will we let the Puget Sound basin fill up with smog and sprawl? Will I-5 become a strip city clogged with cars? Will we bring effective education to a changing work force? Will we respect our ethnic differences and draw strength from each other? Can we build humane cities and save precious pieces of the natural environment? If you say these questions sound a lot like the problems we have been working on for the last thirty years, you are right. Much was done in that time, but a great deal remains unfinished.

"New conditions, unforeseen problems, continue to emerge. By the time our grandchildren assume their stewardship of the state some of the things, that we thought were so great and that our generation worked on so hard, will either seem like they were always part of the landscape or will have been changed or improved, possibly beyond recognition. Still others will have been torn down and replaced by something different. The institutions we helped to shape may be serving well, or they may have grown tired and be ready for reform. No physical improvement can be truly permanent, and there will never be an end to civic work that needs doing. A community that is alive is never completed. It is a work that is always in progress. Each generation--ours, those that came before, and those that will follow--touch the state in their own way. New causes replace old causes. It is a sign of strength in democracy. We know intuitively that the processes that nurture freedom and build places that people love cannot go forward, unwatched and untended. Every so often states and communities, like families and nations, need surges of effort to show what they can do. The real value of this effort is not so much the people that it helped, the land then preserved, the water cleaned, or the buildings built, but rather that people cared enough to do it.

"Caring citizens are the seedbed of community. This seed was planted long before we came. It has grown by examples familiar to all of us and with which I grew up. For me, it's value was found at home and at school. Awareness became commitment in 1945, when my brother Bob was killed in action. My wife, Mary Lou, inspired me to make my life count for his. This commitment was encouraged by my law partners and shared by my family and co-workers for almost forty years. I am grateful for loving parents and grandparents, who believed in the value of service to others. I owe a debt to my grade school teachers who indelibly marked their students with the ideals of John Muir. I am grateful to all of you for this unforgettable day. And I am grateful to Mary Lou for inspiring my life. Thank you."

The Speaker (Representative O'Brien presiding) introduced Booth Gardner, Governor of the state of Washington.

REMARKS BY GOVERNOR GARDNER
INTRODUCTION OF FRANCES PENROSE OWEN

Governor Gardner: "John Ellis, as he always does so eloquently, gave us a formula that all in this state appreciate, when he said that what he has done so well was supported by what he called 'co-workers and co-leaders.' We all know them in this state by the word 'volunteers.' I have the honor of introducing to you this morning the dean of volunteers. How much we, as legislators, appreciate the importance of volunteers, as do all of you. The dean of volunteers in the state of Washington, for many, many years and for as long as most of us have lived, is a person who will be hard to outdo by any one who comes behind her--Frances Penrose Owen.

"I am going to share with you some of the longevity and importance of what she has volunteered for, but give most of this time to her, so that you can hear her fine words. Understand that when you look at her when she gets up here, you are looking at a woman who has touched many lives and many organizations. Her leadership, while broad-based, has been specifically directed toward children and youth in the state of Washington. For more than thirty-six years, she has dedicated her time and her energy to serving Children's Orthopedic Hospital and, during those thirty-six years, she served for a period as President of that organization's Board of Trustees. For twenty-two years, she served as a member of the Seattle School Board, including four terms as President of the Seattle School Board. Thirty-six years with Children's Orthopedic, twenty-two years with the Seattle School Board and yet she had time to serve for eighteen years as a member of the Board of Regents of Washington State University, twice elected as President of that Board of Regents. As a postscript, she was also the first woman to be appointed to the WSU Board of Regents. To this day she continues to volunteer her time and her energy, concentrating now on serving the needs of senior citizens.

"Today, we recognize and truly thank Frances Penrose Owen with the Medal of Merit. I think you would agree from what you have just heard, that she has truly earned the title of 'Dean of Volunteers in the State of Washington.' Ladies and gentlemen, Frances Penrose Owen."

Governor Gardner presented the Medal of Merit to Mrs. Frances Penrose Owen.

REMARKS BY FRANCES PENROSE OWEN

Mrs. Owen: "Governor Gardner, distinguished guests and members of the Legislature: I am particularly proud of having received this very great honor, because I am first and last and always a citizen of the state of Washington. It means more to me to have received this from my state than almost any other organization that I can think of. One of the things that I have been most proud of is that I was born in the State of Washington. Many worthy Washingtonians cannot claim that privilege. I have always felt myself fortunate.

"I have been fortunate in another regard. I have lived on both sides of the state. Born and brought up in Eastern Washington, my roots go deep into that side of the state. I appreciate its history, particularly, its economy, its culture and its beauty. But I have spent several decades on the west side of the state, where I thoroughly appreciate the quality of life that we have here and the beauty in which we live. As I have lived in the state and worked around the state, I have made a discovery, which as a citizen of the State of Washington, I abhor. And that is that the Cascade Mountains seem to cloud our vision of the state as a whole. We naturally are loyal to the community in which we live, but I know a number of citizens on both sides of the state to whom the state of Washington is only the half of the state that they live in. If you are going to be a citizen of the state, I think you have to concern yourself with all of the differences and the difficulties and the special needs and the possible solutions. They may not be yours to make, but we need, as citizens of the state, to be interested and involved in them.

"I am proud of the fact that the state of Washington stands in the forefront of good legislation in many fields. My particular field was that of education on the

national level, state level and local level and in both higher education and in the public schools. I will always be a concerned citizen, whether I am active any more or not--a concerned citizen--and a doubly concerned citizen--when I learned through federal statistics recently that the state of Washington ranks below the national average in its contribution to the expenditure per pupil in the common schools. Washington State ranks lower than the national average in its expenditures for public schools. In this day and age we need a strong educational system--strong for the children in the public schools, strong for the young men and women who are going to our colleges and universities. It is one of the best investments we can make for the future of Washington State and its future citizens.

"Thank you again for this medal of recognition. I am tremendously pleased. As a citizen of the state of Washington, it gives me a great deal of satisfaction. Thank you very much."

The Speaker (Representative O'Brien presiding) presented the gavel to President Pritchard.

The President of the Senate instructed the special committee to escort Governor Gardner to his office.

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

The President instructed the special committee to escort the Supreme Court Justices from the House Chamber.

MOTION

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

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

The Speaker instructed the Sergeants at Arms of the House and Senate to escort the President of the Senate, Lieutenant Governor Joel Pritchard, President Pro Tempore Alan Bluechel, Vice President Pro Tempore Ellen Craswell, Majority Leader Jeannette Hayner, Democratic Leader Larry Vognild and members of the Washington State Senate from the House Chamber.

The Senate was called to order at 11:57 a.m. by President Pritchard.

There being no objection, the President returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

January 25, 1990

SB 6348 Prime Sponsor, Senator Madsen: Permitting temporary-use nonpneumatic spare tires. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6348 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, DeJarnatt, Hansen, McMullen, Madsen, Murray, Nelson, Sellar.

Passed to Committee on Rules for second reading.

January 25, 1990

SB 6449 Prime Sponsor, Senator Anderson: Changing enhanced food fish tax remittance requirements. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Cantu, Fleming, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

January 25, 1990

SB 6450 Prime Sponsor, Senator McDonald: Expanding the secrecy clause for tax information and administration. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

January 25, 1990

SB 6451 Prime Sponsor, Senator McDonald: Modifying the cigarette tax. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Newhouse, Niemi, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

January 24, 1990

SB 6516 Prime Sponsor, Senator Bailey: Providing for child care services for homeless families. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6516 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vogtild.

Referred to Committee on Ways and Means.

January 25, 1990

SB 6606 Prime Sponsor, Senator Benitz: Modifying exemptions and penalties for tinting or coloring of motor vehicle windows. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, DeJarnatt, Hansen, McMullen, Madsen, Murray, Nelson, Sellar.

Passed to Committee on Rules for second reading.

January 25, 1990

SB 6652 Prime Sponsor, Senator McDonald: Revising penalties on cigarette taxes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

January 25, 1990

SB 6654 Prime Sponsor, Senator McDonald: Authorizing local governments to establish public corporations to finance nonprofit corporations. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Owen, Saling, Smith, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

MOTION

At 11:58 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, January 29, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

TWENTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 29, 1990

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Conner, Fleming and McMullen. On motion of Senator Bender, Senators Conner, Fleming and McMullen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Ashley Dumas and Greg Franks, presented the Colors. Major Martin Applebaum, Chaplain of I Corps of Fort Lewis, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 25, 1990

SB 6217 Prime Sponsor, Senator Rinehart: Creating the before-and-after school child care program. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6217 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Fleming, Gaspard, Murray, Rinehart.

Referred to Committee on Ways and Means.

January 25, 1990

SB 6244 Prime Sponsor, Senator Bailey: Extending the organic food certification program to packing sheds and wholesale distributors. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6244 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Bailey, Gaspard, Hansen, Madsen.

Passed to Committee on Rules for second reading.

January 26, 1990

SB 6292 Prime Sponsor, Senator Hansen: Making owners of mosquito infested land responsible for their control. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

January 26, 1990

SB 6330 Prime Sponsor, Senator Benitz: Amending consumer protection provisions. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 6330 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Nelson, Owen, Stratton, Sutherland.

Passed to Committee on Rules for second reading.

January 25, 1990

SB 6337 Prime Sponsor, Senator Benitz: Changing provisions relating to technological and vocational education. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6337 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

January 25, 1990

SB 6352 Prime Sponsor, Senator Bailey: Establishing the fair start program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6352 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Cantu, Fleming, Johnson, Lee, Moore, Newhouse, Niemi, Saling, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

January 26, 1990

SB 6433 Prime Sponsor, Senator von Reichbauer: Exempting insurance agents, brokers, and solicitors from the business and occupation tax. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McCaslin, McMullen, Moore, Rasmussen, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

January 26, 1990

SB 6440 Prime Sponsor, Senator von Reichbauer: Providing amnesty and tax credits for insurance agents, brokers, and solicitors. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill 6440 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McCaslin, McMullen, Moore, Rasmussen, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

January 25, 1990

SB 6453 Prime Sponsor, Senator Sellar: Authorizing the supervisor of banking to examine agricultural lenders participating in loan guaranty programs. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6453 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McCaslin, McMullen, Moore, Rasmussen, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

January 26, 1990

SB 6461 Prime Sponsor, Senator Bluechel: Providing reimbursement to state library employees injured while working in state correctional institutions and offices. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 25, 1990

SB 6497 Prime Sponsor, Senator Lee: Revising provisions on the revaluation of property. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Amondson, Bailey, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

January 25, 1990

SB 6502 Prime Sponsor, Senator Barr: Directing development of rules and plans for implementation of water reuse and recycling options. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6502 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen.

Passed to Committee on Rules for second reading.

January 26, 1990

SB 6573 Prime Sponsor, Senator Benitz: Revising the administration of the energy facility site evaluation council. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 6573 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Nelson, Owen, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

January 26, 1990

SB 6575 Prime Sponsor, Senator Benitz: Revising liability requirements for nuclear operations. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 6575 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Nelson, Owen, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

January 25, 1990

SB 6601 Prime Sponsor, Senator Bailey: Establishing an equine research and education program at Washington State University. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6601 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Referred to Committee on Ways and Means.

January 25, 1990

SB 6609 Prime Sponsor, Senator Craswell: Providing for school directors to adopt policies regarding educational materials. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6609 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Benitz, Craswell, Metcalf.

MINORITY recommendation: Do not pass. Signed by Senators Fleming, Murray, Rinehart.

Referred to Committee on Ways and Means.

January 26, 1990

SB 6780 Prime Sponsor, Senator Newhouse: Establishing farmworker housing inspection procedures and standards. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6780 be substituted therefor, and the substitute bill do pass and be referred to Committee on

Ways and Means. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING

SB 6813 by Senators Thorsness, Hansen, Hayner, Stratton and Bailey

AN ACT Relating to several liability for noneconomic damages; amending RCW 4.22.070; and creating a new section.

Referred to Committee on Law and Justice.

SB 6814 by Senator Smith

AN ACT Relating to dependency proceedings and termination of parental rights; amending RCW 13.34.060, 13.34.070, 13.34.080, 13.34.090, 13.34.150, 13.34.130, 13.34.165, 13.34.180, 13.50.010, 13.50.100, 26.44.105, and 26.44.115; and making an appropriation.

Referred to Committee on Children and Family Services.

SB 6815 by Senator Smith

AN ACT Relating to contracting arrangements for evaluation of the maternity care access act; amending section 9, chapter 10, Laws of 1989 1st ex. sess. (uncodified); and declaring an emergency.

Referred to Committee on Children and Family Services.

SB 6816 by Senators Anderson, Bailey and Barr

AN ACT Relating to a special fuel tax exemption for milk pumping; and amending RCW 82.38.080.

Referred to Committee on Agriculture.

SB 6817 by Senator Nelson

AN ACT Relating to prejudgment interest for posteconomic damages and disclosure of contingent attorneys' fees; amending RCW 4.56.110; adding a new section to chapter 4.56 RCW; adding a new section to chapter 2.44 RCW; creating a new section; and repealing RCW 4.56.115.

Referred to Committee on Law and Justice.

SB 6818 by Senators Patrick and Metcalf

AN ACT Relating to exempting business offices from the worker and community right to know act; and amending RCW 49.70.170.

Referred to Committee on Economic Development and Labor.

SB 6819 by Senators Vognild and Johnson

AN ACT Relating to length of service for retirement under public employees' retirement system plan I; and amending RCW 41.40.180.

Referred to Committee on Ways and Means.

SB 6820 by Senators Smitherman, Craswell, Vognild, Metcalf, Bender, Owen, McMullen, Williams, Rinehart, Warnke and von Reichbauer

AN ACT Relating to the Washington state ferry system passenger-only service; amending section 31, chapter 6, Laws of 1989 1st ex. sess. (uncodified); and declaring an emergency.

Referred to Committee on Transportation.

SB 6821 by Senator Bluechel

AN ACT Relating to industrial insurance payments by certified organic food producers; adding new sections to chapter 15.86 RCW; and creating a new section.

Referred to Committee on Economic Development and Labor.

SB 6822 by Senators Bluechel, Gaspard, Amondson and Barr

AN ACT Relating to a business and occupation exemption for small timber harvesters; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways and Means.

SB 6823 by Senators Benitz, Williams and Bluechel

AN ACT Relating to energy efficiency; creating new sections; and making an appropriation.

Referred to Committee on Energy and Utilities.

SB 6824 by Senators Thorsness, Madsen and Hayner

AN ACT Relating to street utilities; and adding a new chapter to Title 82 RCW.

Referred to Committee on Transportation.

SB 6825 by Senator Smith

AN ACT Relating to white sturgeon; and adding a new section to chapter 75.12 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6826 by Senators Benitz, Williams and Bluechel

AN ACT Relating to energy efficiency; amending RCW 43.21F.045; creating a new section; and making an appropriation.

Referred to Committee on Energy and Utilities.

SB 6827 by Senators Benitz, Kreidler, Bluechel, Madsen, Amondson, Anderson, Warnke and Saling

AN ACT Relating to state-wide 911; creating new sections; and making an appropriation.

Referred to Committee on Energy and Utilities.

SJM 8022 by Senators Madsen, Johnson, Gaspard, Rasmussen and Murray

Paying medical treatment for children of military parents.

HOLD.

SJR 8240 by Senator McCaslin

Amending the Constitution to authorize cities to levy an additional tax for criminal justice services.

Referred to Committee on Governmental Operations.

MOTION

On motion of Senator Newhouse, the rules were suspended and Senate Joint Memorial No. 8022 was advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Gaspard, the following resolution was adopted:

SENATE RESOLUTION 1990-8730

by Senators Gaspard, Wojahn and Madsen

WHEREAS, Students Moiya Callahan, Greg Kooistra, Monica Reed, and Aaron Werner, under the guidance of history teacher Mark Vetter, of Ballou Junior High School in Puyallup won 1st Place in the 1989 National History Day Contest in Washington, D.C., with a senior group project entitled "Eleanor Roosevelt: First Lady of the World"; and

WHEREAS, These fine students had to compete against hundreds of thousands of other students from Washington and forty-six other states to achieve their success; and

WHEREAS, The year-long research project was conducted by themselves and funded out of their own pockets; and

WHEREAS, Their project has served to enlighten not only themselves but many others about the great sense of caring and compassion that led Eleanor Roosevelt to work for the betterment of all humankind; and

WHEREAS, The students found through their hard work that Eleanor Roosevelt was much more than just the first lady of the land and wife of our great President Franklin Delano Roosevelt; and

WHEREAS, This first place award is the second consecutive such honor bestowed upon students of history at Ballou Junior High School under the tutelage of Mr. Mark Vetter; and

WHEREAS, Mr. Vetter's commitment to teaching and to history has fostered a greater sense of the fun and excitement of learning in his students, and the realization that history is alive and continuing; and

WHEREAS, The students and their teacher are outstanding representatives of their school, their community, and the great state of Washington, and have enhanced the pride in our state felt by all Washingtonians;

NOW, THEREFORE, BE IT RESOLVED, That the President and members of the Washington State Senate do hereby recognize the achievements of these students and their teacher, and extend heartfelt congratulations and appreciation on behalf of the citizens of the state of Washington; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to Moiya Callahan, Greg Kooistra, Monica Reed, Aaron Werner, Mark Vetter, and the administration of Ballou Junior High School.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the students and their teacher, Mr. Mark Vetter, from the Ballou Junior High School of Puyallup, the First Place winners of the 1989 National History Day Contest, who were seated in the gallery.

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

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9133, Robert K. Powers, as a member of the Higher Education Facilities Authority, was confirmed.

APPOINTMENT OF ROBERT K. POWERS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndil, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Conner, Fleming, McMullen - 3.

President Pro Tempore Bluechel assumed the Chair.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2198, as amended by the Senate, and deferred on third reading January 26, 1990.

Debate ensued.

Vice President Pro Tempore Craswell assumed the Chair.

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Benitz, when we originally started, we were drilling holes in the houses and pouring stuff in between the walls and that caused rot. I guess that is discontinued now, but that was all the bad in those days. Then, we went from there to heat exchangers--heat to air exchangers--and they found out that was causing Legionnaires Disease. That was in the first bill; everybody had to have that.

"Then now, I understand, in reading this bill, that no longer do we need to seal the homes against Radon. The envelope seal is no longer required for heat conservation. In some areas, that does seal the Radon in that is prevalent in the ground. Are all these matters corrected now and this will be a healthful bill and a cost

effective bill now that we've weeded out all the things that were in the first conservation bill?"

Senator Benitz: "Senator Rasmussen and members of the Senate, we think we have improved. There is no question about it, but to say we have cured the Radon problem--in some areas--to say that we have cured that totally remains to be seen. To say that we have cured the ventilation problem--where you have a particular problem--we think we have made improvement, but to guarantee this is the perfect answer, as Senator Williams said, I doubt that we can say that and stand on it. We may have to make changes, but at least we got it started"

Further debate ensued.

POINT OF INQUIRY

Senator Williams: "Senator Benitz, as I understand, the assessments referred to in Section 6 of the bill are intended to be based on a fee for each inspection official and enforcement official. Is that correct?"

Senator Benitz: "The answer is 'yes.'"

Senator Williams: "Also, are the assessments in Section 6 to be based on whether a utility provided heat for new housing starts?"

Senator Benitz: "The answer again is 'yes.'"

POINT OF INQUIRY

Senator Smitherman: "Senator Benitz, I notice here that we have divided the state into two zones and the requirements are a bit different in terms of information and so on in those two zones. Therefore, I think the cost would be different. Is there a difference in the amount of subsidy that is given to builders in zone one, as opposed to zone two? Can you explain that to me?"

Senator Benitz: "It would take a lot of explanation. The subsidies have been changed in this bill over the previous bill. Actually, it has been raised a little bit. In each category, I'm sure the subsidy itself--in each category--remains the same for the different zones."

Further debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2198, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2198, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Barr, Matson, Metcalf - 3.

Excused: Senators Conner, Fleming, McMullen - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2198, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Vice President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 6246, by Senators Barr, Hansen, Anderson, Madsen, Benitz and Warnke

Changing recordkeeping requirements for pesticide use.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6246 was substituted for Senate Bill No. 6246 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Anderson, Substitute Senate Bill No. 6246 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6246.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6246 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Conner, Fleming, McMullen - 3.

SUBSTITUTE SENATE BILL NO. 6246, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Vice President Pro Tempore advanced the Senate to the seventh order of business.

THIRD READING

SENATE BILL NO. 6002, by Senators Bauer, Bailey, Rinehart, Benitz, Gaspard, Murray, Craswell, Fleming and Bender

Creating a summer school program for the blind.

MOTION

On motion of Senator Newhouse, the rules were suspended and Senate Bill No. 6002 was returned to second reading and read the second time.

MOTIONS

On motion of Senator Bauer, the following amendment was adopted:

On page 1, line 24, strike "forty-nine thousand" and insert "twenty-four thousand five hundred"

On motion of Senator Bauer, the following amendment was adopted:

Beginning on page 1, after line 27, strike all the material down to and including "1989" on page 2, line 3

On motion of Senator Bauer, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "RCW" insert "and"

On page 1, line 3 of the title, strike "providing an effective date; and declaring an emergency"

MOTION

On motion of Senator Newhouse, Engrossed Senate Bill No. 6002 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6002.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6002 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Fleming, McMullen - 2.

ENGROSSED SENATE BILL NO. 6002, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Bluechel was excused.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5206, by Committee on Ways and Means (originally sponsored by Senators Gaspard and McDonald)

Changing provisions relating to the economic and revenue forecast council.

MOTION

On motion of Senator Newhouse, the rules were suspended and Substitute Senate Bill No. 5206 was returned to second reading and read the second time.

MOTIONS

On motion of Senator Gaspard, the following amendment was adopted:
On page 8, line 25, after "July 1," strike "1989" and insert "1990"

On motion of Senator Newhouse, Engrossed Substitute Senate Bill No. 5206 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5206.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill sp.d No. 5206 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Loe, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Taimadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Bluechel, Fleming, McMullen - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5206, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Vice President Pro Tempore returned the Senate to the sixth order of business.

MOTION

On motion of Senator Newhouse, Senate Bill No. 6443, which was on the second reading calendar, was referred to the Committee on Rules.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5516, by Committee on Health Care and Corrections (originally sponsored by Senators Wojahn, Warnke, Johnson, Niemi, Bauer, Rasmussen and West)

Regarding the disabilities land trust.

MOTIONS

On motion of Senator Newhouse, Second Substitute Senate Bill No. 5516 was substituted for Engrossed Substitute Senate Bill No. 5516 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the following amendment by Senators Wojahn and West was adopted:

On page 4, line 21, after "(5)" strike all material through "disabled." on line 28 and insert "No less than half of the appropriated income from the charitable, educational, penal, and

reform institutions trust, not including the income from the disabilities land trust, shall be appropriated for the purpose of providing housing, including repair and renovation of state institutions, for persons who are mentally ill, developmentally disabled, or youth who are blind or deaf or otherwise disabled."

On motion of Senator West, Engrossed Second Substitute Senate Bill No. 5516 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5516.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5516 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Bluechel, Fleming, McMullen - 3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5516, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Vice President Pro Tempore advanced the Senate to the seventh order of business.

THIRD READING

ENGROSSED SENATE BILL NO. 5821, by Senators Rinehart, Bailey and Murray

Directing the department of community development to develop a model intergenerational child care program.

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

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5821.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5821 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Bluechel, Fleming, McMullen - 3.

ENGROSSED SENATE BILL NO. 5821, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Vice President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 6190, by Senators West, Kreidler, Wojahn, Bailey, Nelson, McDonald, Warnke, Niemi, Conner and Stratton

Providing for the prevention of head injuries.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 6190 was substituted for Senate Bill No. 6190 and the substitute bill was placed on second reading and read the second time.

Senator Thorsness moved that the following amendment by Senators Thorsness and Smitherman be adopted:

On page 3, beginning on line 11, strike all of Section 7, through and including "helmets," on page 4, line 11

Renumber the remaining sections accordingly.

Debate ensued.

MOTION

At 11:15 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:42 a.m. by President Pritchard.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6190 and the pending amendment by Senators Thorsness and Smitherman on page 3, beginning on line 11, which was being debated before the Senate went at ease.

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Thorsness and Smitherman on page 3, beginning on line 11, to Substitute Senate Bill No. 6190.

The motion by Senator Thorsness failed and the amendment was not adopted.

MOTION

On motion of Senator West, Substitute Senate Bill No. 6190 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6190.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6190 and the bill passed the Senate by the following vote: Yeas, 32; nays, 14; excused, 3.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Cantu, Conner, DeJarnatt, Gaspard, Hansen, Johnson, Kreidler, Lee, McDonald, Metcalf, Moore, Murray, Nelson, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Sutherland, Talmadge, Warnke, West, Wojahn - 32.

Voting nay: Senators Amondson, Barr, Craswell, Hayner, Madsen, Matson, McCaslin, Newhouse, Sellar, Smith, Thorsness, Vognild, von Reichbauer, Williams - 14.

Excused: Senators Bluechel, Fleming, McMullen - 3.

SUBSTITUTE SENATE BILL NO. 6190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6167, by Senators von Reichbauer, Rasmussen, McCaslin, Smitherman, Matson, Moore, Johnson, Warnke, Bauer and Conner (by request of Attorney General)

Regulating motor vehicle brokering and subleasing.

MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 6167 was substituted for Senate Bill No. 6167 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, Substitute Senate Bill No. 6167 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6167.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6167 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Bluechel, Fleming, McMullen - 3.

SUBSTITUTE SENATE BILL NO. 6167, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6166, by Senators Newhouse, Hansen, Patrick, Bauer, Sutherland, Rasmussen, Lee, Johnson, Anderson, Conner, Kreidler, Wojahn, Amondson, Fleming and Bender

Funding retired senior volunteer programs.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6166 was substituted for Senate Bill No. 6166 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Newhouse, Substitute Senate Bill No. 6166 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6166.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6166 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 45.

Absent: Senator West - 1.

Excused: Senators Bluechel, Fleming, McMullen - 3.

SUBSTITUTE SENATE BILL NO. 6166, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 5487.

On motion of Senator Newhouse, Senate Bill No. 5487 was referred to the Committee on Economic Development and Labor.

On motion of Senator Newhouse, the Committee on Environment and Natural Resources was relieved of further consideration of Senate Bill No. 6701.

On motion of Senator Newhouse, Senate Bill No. 6701 was referred to the Committee on Transportation.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 6810.

On motion of Senator Newhouse, Senate Bill No. 6810 was referred to the Committee on Financial Institutions and Insurance.

MOTION

At 12:05 p.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Tuesday, January 30, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

TWENTY-THIRD DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, January 30, 1990

The Senate was called to order at 12:00 noon by President Pro Tempore Bluechel. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Sandra Deaver and Joshua Ledbetter, presented the Colors.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 29, 1990

SB 5104 Prime Sponsor, Senator Anderson: Providing technical assistance for self-help projects. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Second Substitute Senate Bill No. 5104 be substituted therefor, and the second substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Matson, Murray, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

January 29, 1990

ESB 5226 Prime Sponsor, Senator Saling: Creating a graduate teacher fellowship pilot program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Smitherman, Stratton, von Reichbauer.

Referred to Committee on Ways and Means.

January 29, 1990

SSB 5307 Prime Sponsor, Committee on Economic Development and Labor: Creating additional requirements for contractor advertising. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Second Substitute Senate Bill No. 5307 be substituted therefor, and the second substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Matson, Murray, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

January 29, 1990

SB 5545 Prime Sponsor, Senator Smitherman: Establishing the state board for vocational education. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5545 be substituted therefor, and the substitute bill do pass and the bill be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Referred to Committee on Ways and Means.

January 26, 1990

SSB 5547 Prime Sponsor, Committee on Health and Long-Term Care: Regarding payment of jail processing costs by criminal defendants. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass and the bill be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Patrick, Rasmussen, Talmadge, Thorsness.

Referred to Committee on Ways and Means.

January 26, 1990

SB 5882 Prime Sponsor, Senator Nelson: Establishing definitions and revising penalties for reckless, negligent, and inattentive driving. Reported by Committee on Law and Justice

MAJORITY recommendation: That Second Substitute Senate Bill No. 5882 be substituted therefor, and the second substitute bill do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Patrick, Rasmussen, Thorsness.

Passed to Committee on Rules for second reading.

January 26, 1990

SB 5953 Prime Sponsor, Senator Pullen: Including licensed drivers on jury lists. Reported by Committee on Law and Justice

MAJORITY recommendation: That Second Substitute Senate Bill No. 5953 be substituted therefor, and the second substitute bill do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Madsen, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 29, 1990

SB 5996 Prime Sponsor, Senator Benitz: Authorizing feasibility study of waste management education. Reported by Committee on Higher Education

MAJORITY recommendation: That Second Substitute Senate Bill No. 5996 as recommended by Committee on Energy and Utilities be substituted therefor, and the second substitute bill do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules for second reading.

January 26, 1990

SB 6031 Prime Sponsor, Senator Nelson: Establishing voter registration availability with driver's licensing. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6031 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 29, 1990

SB 6179 Prime Sponsor, Senator Newhouse: Granting a local government option regarding administration of flood plain regulations. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Patrick, Sutherland.

Passed to Committee on Rules for second reading.

January 29, 1990

SB 6211 Prime Sponsor, Senator Metcalf: Continuing the Puget Sound Water Quality Authority. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6211 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Barr, Benitz, DeJarnatt, Kreidler.

Passed to Committee on Rules for second reading.

January 29, 1990

SB 6214 Prime Sponsor, Senator DeJarnatt: Authorizing a higher excise tax for emergency services communication systems. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6214 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Patrick.

Passed to Committee on Rules for second reading.

January 26, 1990

SB 6215 Prime Sponsor, Senator Patrick: Creating a Crime Stoppers assistance office. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6215 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Referred to Committee on Ways and Means.

January 25, 1990

SB 6218 Prime Sponsor, Senator Murray: Creating the homeless education grant program. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6218 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Referred to Committee on Ways and Means.

January 25, 1990

SB 6226 Prime Sponsor, Senator Bailey: Creating a child abuse prevention program. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6226 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Referred to Committee on Ways and Means.

January 26, 1990

SB 6247 Prime Sponsor, Senator Nelson: Restricting civil actions to appoint receivers to manage real property. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6247 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 29, 1990

SB 6360 Prime Sponsor, Senator Thorsness: Updating the Model Traffic Ordinance. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, Conner, Hansen, McMullen, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

January 29, 1990

SB 6377 Prime Sponsor, Senator Metcalf: Creating penalties for violations of fisheries laws. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6377 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, DeJarnatt, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

January 29, 1990

SB 6464 Prime Sponsor, Senator Patrick: Exempting law enforcement officers from commercial driver's license requirements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, Conner, Hansen, McMullen, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

January 25, 1990

SB 6470 Prime Sponsor, Senator Williams: Regarding construction lien laws. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; McMullen, Murray, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

January 26, 1990

SB 6488 Prime Sponsor, Senator Rinehart: Regulating personal watercraft. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6488 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 29, 1990

SB 6490 Prime Sponsor, Senator Rinehart: Creating the first generation scholars program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Bauer, Smitherman, Stratton, von Reichbauer.

Referred to Committee on Ways and Means.

January 29, 1990

SB 6549 Prime Sponsor, Senator Smith: Changing the term "salary" to "compensation" for public utility district employees. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; Patrick, Sutherland.

Passed to Committee on Rules for second reading.

January 29, 1990

SB 6554 Prime Sponsor, Senator Saling: Requiring that degrees earned at branch campuses carry no special designation. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Saling, Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules for second reading.

January 29, 1990

SB 6561 Prime Sponsor, Senator Newhouse: Exempting recreational horse trailers from commercial driver's license requirements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, Conner, Hansen, McMullen, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

January 29, 1990

SB 6576 Prime Sponsor, Senator Metcalf: Making changes regarding harvesting of wild mushrooms. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

January 29, 1990

SB 6585 Prime Sponsor, Senator Metcalf: Including mussels and clams as enhanced food fish for tax purposes. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6585 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Referred to Committee on Ways and Means.

January 29, 1990

SB 6612 Prime Sponsor, Senator Patterson: Modifying "rules of the road" as they relate to solid waste collection vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, Conner, Hansen, McMullen, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

January 26, 1990

SB 6720 Prime Sponsor, Senator Nelson: Regarding franchise investment protection. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6720 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 29, 1990

SB 6724 Prime Sponsor, Senator Owen: Revoking hunting and fishing licenses for littering. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6724 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 22, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Ramon L. Barnes, reappointed January 22, 1990, for a term ending September 30, 1994, as a member of the Board of Trustees for Pierce Community College District No. 11.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

January 22, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Harry Yamamoto, reappointed January 22, 1990, for a term ending September 30, 1994, as a member of the Board of Trustees for Big Bend Community College District No. 18.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

MESSAGE FROM THE HOUSE

January 29, 1990

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 1881,

REENGROSSED SUBSTITUTE HOUSE BILL NO. 2030,

HOUSE BILL NO. 2273,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2277,

HOUSE BILL NO. 2292,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2293,

HOUSE BILL NO. 2294,

HOUSE BILL NO. 2297,

HOUSE BILL NO. 2312,

SUBSTITUTE HOUSE BILL NO. 2339,

HOUSE BILL NO. 2445, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6828 by Senators Rasmussen, Hansen, Barr, Matson and Stratton

AN ACT Relating to highways: directing construction of a Naches Pass tunnel; adding new sections to Title 47 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

SB 6829 by Senator Amondson

AN ACT Relating to reserve timber; amending RCW 76.12.190; making an appropriation; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 6830 by Senator Amondson

AN ACT Relating to preparing a timber supply assessment; and creating new sections.

Referred to Committee on Environment and Natural Resources.

SB 6831 by Senators Bluechel, Warnke, Patrick, Smitherman, Gaspard, Metcalf, Madsen, Bender, Murray, Moore, von Reichbauer, Bauer, Johnson, Vognild, Sutherland, Nelson and Williams

AN ACT Relating to transfer and management of certain common school trust lands; adding a new section to chapter 79.68 RCW; creating a new section; and making an appropriation.

Referred to Committee on Ways and Means.

SB 6832 by Senators Nelson, Talmadge, Niemi and Rasmussen

AN ACT Relating to the study of the juvenile rehabilitation system; creating new sections; and making an appropriation.

Referred to Committee on Law and Justice.

SB 6833 by Senators von Reichbauer, Moore, Sellar and Fleming

AN ACT Relating to industrial loan companies; amending RCW 31.04.220; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SB 6834 by Senators Sellar, Conner, West, McDonald and Bauer

AN ACT Relating to basic health benefits for small businesses; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; and creating new sections.

Referred to Committee on Financial Institutions and Insurance.

SB 6835 by Senators Conner and Rasmussen

AN ACT Relating to the sale of motor vehicle fuel; amending RCW 19.94.220; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Transportation.

SB 6836 by Senators Barr, Owen, Patterson and Metcalf

AN ACT Relating to a wildlife habitat mitigation demonstration project; creating new sections; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 6837 by Senators Thorsness and Metcalf

AN ACT Relating to state elective offices; and amending RCW 43.01.010 and 44.04.021.

Referred to Committee on Governmental Operations.

SB 6838 by Senator Sutherland

AN ACT Relating to toll message calls; adding a new section to chapter 80.36 RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 6839 by Senator Barr

AN ACT Relating to the protection of the Kettle River; creating new sections; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 6840 by Senators Patrick and Benitz

AN ACT Relating to siting of thermal power plants; amending RCW 80.50.020 and 80.50.060; adding new sections to chapter 80.50 RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 6841 by Senators Nelson and Rasmussen

AN ACT Relating to juvenile residential burglary; amending RCW 13.40.0357; adding a new section to chapter 13.40 RCW; creating a new section; prescribing penalties; and making an appropriation.

Referred to Committee on Law and Justice.

SB 6842 by Senator Amondson

AN ACT Relating to the committee for recycling markets; and amending RCW 43.31.556.

Referred to Committee on Environment and Natural Resources.

SB 6843 by Senator McDonald (by request of Department of Revenue)

AN ACT Relating to the examination of books and records by the department of revenue; and amending RCW 82.32.110.

Referred to Committee on Ways and Means.

SB 6844 by Senators Benitz and Hansen

AN ACT Relating to the public utility tax; adding a new section to chapter 82.16 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Energy and Utilities.

SB 6845 by Senators Benitz and Stratton

AN ACT Relating to energy resources; creating a new section; and adding a new section to chapter 80.28 RCW.

Referred to Committee on Energy and Utilities.

SB 6846 by Senator Moore

AN ACT Relating to the Washington telephone assistance program; amending RCW 80.04.130, 80.36.420, 80.36.430, 80.36.450, 80.36.460, 80.36.470, and 80.36.480; and amending section 12, chapter 229, Laws of 1987 (uncodified).

Referred to Committee on Energy and Utilities.

SB 6847 by Senator Moore

AN ACT Relating to residential space heating; amending RCW 35.21.300, 35.21.301, 54.16.285, 54.16.286, 80.28.010, and 80.28.011; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 6848 by Senators Williams, Lee, Murray, Bender, Warnke, Niemi, Rinehart and Vognild

AN ACT Relating to unemployment compensation during labor disputes; amending RCW 50.20.090 and 50.29.020; creating a new section; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 6849 by Senators Bauer, Rasmussen and Conner

AN ACT Relating to the continuation of the telephone assistance program; creating new sections; and providing an effective date.

Referred to Committee on Energy and Utilities.

SB 6850 by Senator McCaslin

AN ACT Relating to local government taxation.

Referred to Committee on Governmental Operations.

SB 6851 by Senator McCaslin

AN ACT Relating to employment procedures.

Referred to Committee on Governmental Operations.

SB 6852 by Senator McCaslin

AN ACT Relating to land use planning.

Referred to Committee on Governmental Operations.

SB 6853 by Senator McCaslin

AN ACT Relating to growth management.

Referred to Committee on Governmental Operations.

SB 6854 by Senator Lee

AN ACT Relating to contractors' bonds and assigned accounts.

Referred to Committee on Economic Development and Labor.

SJM 8023 by Senators Amondson, Sutherland, Anderson, Barr, Murray, McMullen, von Reichbauer, Lee, Patterson, Johnson, Vognild, DeJarnatt, Patrick, Madsen, Bauer, Sellar, Smith, Saling, Owen, Stratton, West, Moore, Newhouse, Kreidler, McDonald, Warnke and Hayner

Pertaining to forest lands.

Referred to Committee on Environment and Natural Resources.

SJM 8024 by Senators Sutherland, DeJarnatt, Metcalf, Owen, Conner, Amondson and Kreidler

Requiring imported paper stock to meet United States standards.

Referred to Committee on Environment and Natural Resources.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1881 by Representatives Rayburn, Nealey and Doty

Modifying allowable compensation for irrigation district directors.

Referred to Committee on Agriculture.

ReESHB 2030 by Committee on Local Government (originally sponsored by Representatives Hine, Nelson, Phillips, Todd, Valle, K. Wilson, Haugen and Brekke)

Restricting the composition of metropolitan municipal councils.

Referred to Committee on Governmental Operations.

HB 2273 by Representatives R. King, Walker, Smith and Silver (by request of Board of Industrial Insurance Appeals)

Revising provisions for attorney's fees before the department of labor and industries and the board of industrial insurance appeals.

Referred to Committee on Economic Development and Labor.

ESHB 2277 by Committee on Environmental Affairs (originally sponsored by Representatives Pruitt, D. Sommers, Rust, Walker, Brekke, Schoon, Valle, Fraser, Phillips, Nelson, Sprenkle, Hine and P. King)

Creating a joint select committee on air quality.

Referred to Committee on Environment and Natural Resources.

HB 2292 by Representatives R. King, Bowman, Sayan, Brumsickle, Basich, Brooks, Spanel, Smith, Morris, Day, Jones, Youngsman, Cole, P. King, Wood and Kremen (by request of Department of Fisheries)

Authorizing family fishing days.

Referred to Committee on Environment and Natural Resources.

ESHB 2293 by Committee on Fisheries and Wildlife (originally sponsored by Representatives R. King, Bowman, Sayan, Morris, Brumsickle, Basich, Brooks, Spanel, Smith, Day, Leonard, D. Sommers, Youngsman, Cole, P. King and Wood) (by request of Department of Fisheries)

Authorizing the department of fisheries to issue group fishing permits to state-licensed or state-operated care facilities.

Referred to Committee on Environment and Natural Resources.

HB 2294 by Representatives R. King, Bowman, Haugen, Morris, Brumsickle, Sayan, Spanel, Basich, Brooks, Smith, S. Wilson and Youngsman (by request of Department of Fisheries)

Removing restrictions on the sale of salmon taken in test fishing operations.

Referred to Committee on Environment and Natural Resources.

HB 2297 by Representatives Pruitt, Walker, Rust, D. Sommers, Belcher, Phillips, Van Luven, R. King, G. Fisher, Valle, Brekke, Fraser and Wineberry

Changing provisions relating to air pollution control authorities.

Referred to Committee on Environment and Natural Resources.

HB 2312 by Representatives H. Sommers, Schoon and Rasmussen (by request of State Treasurer)

Expanding the public funds investment account.

Referred to Committee on Ways and Means.

SHB 2339 by Committee on Housing (originally sponsored by Representatives Brough, Nutley, Winsley, Leonard, R. King, Jacobsen, Todd, Crane and K. Wilson)

Allowing mobile home tenants to hold forums for candidates and public officials.

Referred to Committee on Economic Development and Labor.

HB 2445 by Representatives Winsley, Leonard, Wood and Miller

Requiring notice of any conditional use permits applicable to a mobile home park in mobile home park rental agreements.

Referred to Committee on Economic Development and Labor.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Economic Development and Labor was relieved of further consideration of Senate Bill No. 5487.

On motion of Senator Newhouse, Senate Bill No. 5487 was referred to the Committee on Governmental Operations.

On motion of Senator Newhouse, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 6447.

On motion of Senator Newhouse, Senate Bill No. 6447 was referred to the Committee on Rules.

MOTION

At 12:05 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m. Wednesday, January 31, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

TWENTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 31, 1990

The Senate was called to order at 10:00 a.m. by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Fleming, Moore and Patterson. On motion of Senator Anderson, Senator Patterson was excused. On motion of Senator Bender, Senator Fleming was excused.

The Sergeant at Arms Color Guard, consisting of Pages Dea Wolfe and Jeremy Moller, presented the Colors. Colonel Tom Norton, Head Chaplain of I Corps of Fort Lewis, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 29, 1990

SB 6193 Prime Sponsor, Senator Saling: Including middle and junior high school students in the mathematics, engineering, and science achievement program. Reported by Committee on Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Fleming, Gaspard, Murray, Rinehart.

Referred to Committee on Ways and Means.

January 29, 1990

SB 6209 Prime Sponsor, Senator Lee: Revising provisions for mobile home relocation fund assessments. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Murray, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

January 29, 1990

SB 6224 Prime Sponsor, Senator Bailey: Allowing the SPI to withhold basic education moneys from school districts owing repayment of moneys to the federal government. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

January 25, 1990

SB 6225 Prime Sponsor, Senator Bailey: Prohibiting corporal punishment in public schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Bender, Fleming, Gaspard, Murray, Rinehart.

MINORITY recommendation: Do not pass. Signed by Senators Lee, Vice Chairman; Benitz, Craswell, Metcalf.

Passed to Committee on Rules for second reading.

January 29, 1990

SB 6232 Prime Sponsor, Senator Lee: Providing a tax credit for certain real property. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6232 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Fleming, Gaspard, Hayner, Lee, Matson, Moore, Newhouse, Owen, Saling, Smith, Warnke.

Passed to Committee on Rules for second reading.

January 29, 1990

SB 6233 Prime Sponsor, Senator Lee: Providing a business and occupation tax exemption for certain new businesses. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Murray, Saling, Smitherman, Warnke.

Referred to Committee on Ways and Means.

January 25, 1990

SB 6238 Prime Sponsor, Senator Lee: Revising the right to a construction lien. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6238 be substituted therefor, and the substitute do pass. Signed by Senators Lee, Chairman; McMullen, Murray, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

January 29, 1990

SB 6258 Prime Sponsor, Senator Nelson: Providing utility services to tenants. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6258 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Patrick, Thorsness.

MINORITY recommendation: Do not pass and do not substitute. Signed by Senators Niemi, Rinehart, Talmadge.

Passed to Committee on Rules for second reading.

January 29, 1990

SB 6262 Prime Sponsor, Senator Barr: Providing a hearing process to determine whether a dog is dangerous or potentially dangerous. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6262 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Madsen, Patrick, Rasmussen, Thorsness.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6267 Prime Sponsor, Senator Moore: Changing provisions regulating occupational therapy. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

January 29, 1990

SB 6296 Prime Sponsor, Senator Vognild: Allowing transfer of license plates from a destroyed vehicle to a replacement vehicle. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6296 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, Conner, Hansen, McMullen, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6310 Prime Sponsor, Senator Metcalf: Providing a funding mechanism for regional fisheries enhancement groups. Reported by Committee on Rules

MAJORITY recommendation: That the bill be referred to the Committee on Ways and Means. Signed by Pritchard, Chairman; Senators Bluechel, Vice Chairman; Anderson, Bauer, Cantu, Conner, Craswell, Hayner, Johnson, Matson, Newhouse, Rinehart, Sellar, Wojahn.

Referred to Committee on Ways and Means.

January 29, 1990

SB 6318 Prime Sponsor, Senator Madsen: Increasing penalties for crimes committed while armed with a firearm. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6318 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senator Nelson, Chairman; McCaslin, Vice Chairman; Madsen, Niemi, Patrick, Rinehart, Talmadge, Thorsness.

Referred to Committee on Ways and Means.

January 30, 1990

SB 6433 Prime Sponsor, Senator von Reichbauer: Exempting insurance agents, brokers, and solicitors from the business and occupation tax. Reported by Committee on Rules

MAJORITY recommendation: That the bill be referred to Committee on Ways and Means. Signed by Pritchard, Chairman; Senators Bluechel, Vice Chairman; Cantu, Conner, Craswell, Johnson, Matson, Rinehart, Sellar.

Referred to Committee on Ways and Means.

January 30, 1990

SB 6440 Prime Sponsor, Senator von Reichbauer: Providing amnesty and tax credits for insurance agents, brokers, and solicitors. Reported by Committee on Rules

MAJORITY recommendation: That the bill be referred to Committee on Ways and Means. Signed by Pritchard, Chairman; Senators Bluechel, Vice Chairman; Cantu, Conner, Craswell, Johnson, Matson, Rinehart, Sellar.

Referred to Committee on Ways and Means.

January 29, 1990

SB 6452 Prime Sponsor, Senator von Reichbauer: Clarifying "annual leave" for purposes of the school district leave sharing program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6452 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

January 29, 1990

SB 6467 Prime Sponsor, Senator Talmadge: Adding second degree arson as basis for first degree murder in certain cases. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6467 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Madsen, Newhouse, Niemi, Patrick, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 29, 1990

SB 6484 Prime Sponsor, Senator Rinehart: Providing for grants to develop and support professional development centers. Reported by Committee on Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Fleming, Gaspard, Murray, Rinehart.

Referred to Committee on Ways and Means.

January 30, 1990

SB 6506 Prime Sponsor, Senator McCaslin: Clarifying use of wood pellet burning stoves during periods of local impaired air quality. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, DeJarnatt, Kreidler, Owen, Patterson.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6517 Prime Sponsor, Senator Metcalf: Changing provisions relating to winter recreation functions of the state parks and recreation commission. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6520 Prime Sponsor, Senator Lee: Giving the department of health responsibility for matters relating to nonionizing radiation. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Metcalf, Owen, Patrick, Stratton.

Passed to Committee on Rules for second reading.

January 29, 1990

SB 6542 Prime Sponsor, Senator Smith: Regarding early intervention services for infants and disabled toddlers. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill 6542 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognild.

Referred to Committee on Ways and Means.

January 29, 1990

SB 6547 Prime Sponsor, Senator Newhouse: Providing funding for local criminal justice programs. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill 6547 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Cantu, Hayner, Johnson, Matson, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6559 Prime Sponsor, Senator Sellar: Requiring reimbursement for state parks and recreation commission costs of plan review and construction approval for winter recreational facilities. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6653 Prime Sponsor, Senator Kreidler: Clarifying provisions relating to excise taxation of core deposits. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Referred to Committee on Ways and Means.

January 29, 1990

SB 6657 Prime Sponsor, Senator Nelson: Revising criteria for setting the number of district court judges in each electoral district. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6657 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Niemi, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6665 Prime Sponsor, Senator Nelson: Revising the corporations statutes. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 29, 1990

SB 6667 Prime Sponsor, Senator McDonald: Transferring power and duty to enforce cigarette and tobacco laws to the liquor control board. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6667 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Matson, Newhouse, Owen, Saling, Smith.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6711 Prime Sponsor, Senator Metcalf: Appropriating water quality account funds. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6741 Prime Sponsor, Senator Amondson: Modifying permit requirements for substantial developments on shorelines as they relate to utility extensions. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6754 Prime Sponsor, Senator Nelson: Perfecting certain security interests upon recording. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Madsen, Newhouse, Patrick, Rasmussen, Thorsness.

Passed to Committee on Rules for second reading.

January 29, 1990

SB 6789 Prime Sponsor, Senator Smith: Creating a department of children, youth, and families. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6789 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chairman; Bailey, Stratton, Vognild.

Referred to Committee on Ways and Means.

January 29, 1990

SJR 8212 Prime Sponsor, Senator Lee: Amending the Constitution to allow property devoted to low-income housing to be taxed based on its current use value. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 8212 be substituted therefor, and the substitute joint resolution do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Murray, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 29, 1990

GA 9150 GRACE CHIEN, reappointed June 22, 1989, for a term ending July 1, 1995, as a member of the Higher Education Personnel Board. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

January 29, 1990

GA 9152 DAVID COHN, reappointed September 29, 1989, for a term ending September 30, 1995, as a member of the Board of Regents for the University of Washington. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

January 29, 1990

GA 9155 VIRGINIA CROSS, reappointed September 28, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Green River Community College District No. 10. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

January 29, 1990

GA 9164 GEORGIA-MAE GALLIVAN, reappointed September 29, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Clark Community College District No. 14.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

January 29, 1990

GA 9167 H. A. "BARNEY" GOLTZ, appointed June 30, 1989, for a term ending April 2, 1993, as a member of the State Board for Community College Education.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

January 29, 1990

GA 9171 LYLE JACOBSEN, reappointed August 12, 1989, for a term ending June 30, 1993, as a member of the Higher Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

January 29, 1990

GA 9174 MARIETTA KILMER, reappointed September 28, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Peninsula Community College District No. 1.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

January 29, 1990

GA 9178 ARLAND D. LYONS reappointed September 28, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Centralia Community College District No. 12.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

January 29, 1990

GA 9192 DENNIS SEINFELD, reappointed September 28, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Tacoma Community College District No. 22.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

January 22, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Charles D. Kee, appointed January 22, 1990, for a term ending September 30, 1994, as a member of the Board of Trustees for Edmonds Community College District No. 23.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

INTRODUCTION AND FIRST READING

SB 6855 by Senators Rasmussen, Lee, Conner and Hansen

AN ACT Relating to dentistry; amending RCW 18.120.020; reenacting and amending RCW 18.130.040; adding a new chapter to Title 18 RCW; prescribing penalties; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 6856 by Senators Fleming, Talmadge, Warnke and Sutherland

AN ACT Relating to the sale of drugs near parks and bus shelters; amending RCW 69.50.435; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6857 by Senator DeJarnatt

AN ACT Relating to public facilities; amending RCW 67.28.200 and 67.28.210; and adding a new section to chapter 67.28 RCW.

Referred to Committee on Ways and Means.

SB 6858 by Senator Cantu

AN ACT Relating to workforce training program; and adding a new chapter to Title 28C RCW.

Referred to Committee on Economic Development and Labor.

SB 6859 by Senators McDonald, Gaspard, Hayner, Vognild, Bluechel, Sellar, Warnke, Saling, Owen, Cantu, Amondson, Johnson, Moore, Newhouse, Smith, Bauer and Sutherland

AN ACT Relating to the tax status of computer software; amending RCW 84.04.080 and 84.04.090; and creating new sections.

Referred to Committee on Ways and Means.

SJM 8025 by Senators von Reichbauer, Moore and Sutherland

Petitioning Congress to support the earthquake project.

Referred to Committee on Financial Institutions and Insurance.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9151, Mari J. Clack, as a member of the Board of Regents for the University of Washington, was confirmed.

APPOINTMENT OF MARI J. CLACK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Moore - 1.

Excused: Senators Fleming, Patterson - 2.

SECOND READING

SENATE BILL NO. 6164, by Senators Newhouse, Talmadge, Warnke, Benitz, Bauer, Rasmussen, Conner, Barr, Moore, Sutherland, Hansen and Kreidler

Revising provisions for the transportation of food products.

The bill was read the second time.

MOTION

Senator Bender moved that the following amendments be considered simultaneously and be adopted:

On page 1, after line 9, insert the following:

"Solid waste" has the meaning given to it by RCW 70.95.030, and includes hazardous waste as defined in RCW 70.105.010."

On page 4, at the beginning of line 21, insert "(1)"

On page 4, after line 23, insert the following:

"(2) The director of agriculture shall adopt rules with respect to the isolation in transportation of hazardous materials, solid waste, and certain other commodities from food, food additives, drugs, devices, and cosmetics and packages containing food, food additives, drugs, devices, and cosmetics.

(3) As a minimum, the rules required by subsection (2) of this section shall:

(a) Prohibit the transportation in commerce of any food, food additive, drug, device, or cosmetic, or a package containing any food, food additive, drug, device, or cosmetic in a truck, trailer, vessel, container, or rail car previously used to transport hazardous material, solid waste, or other commodity that the director determines poses a threat to human health, regardless of whether removal, disposal, or decontamination procedures are followed;

(b) Establish standards for the transportation in commerce of any food, food additive, drug, device, or cosmetic, or a package containing any food, food additive, drug, device, or cosmetic in a truck, trailer, vessel, container, or rail car that is also used to transport hazardous material, solid waste, or other commodity that the director determines poses a threat to human health if proper removal, disposal, and decontamination procedures are not followed, including standards for the removal and disposal of all residue and the decontamination of the trucks, trailers, vessels, containers, and rail cars;

(c) Prohibit the transportation in commerce of any food, food additive, drug, device, or cosmetic or a package containing any food, food additive, drug, device, or cosmetic in a truck, trailer, vessel, container, or rail car previously used to transport any hazardous material, solid waste, or commodity described in (b) of this subsection until all residue has been removed and the truck, trailer, vessel, container, or rail car has been decontaminated in accordance with the standards adopted under (b) of this subsection; and

(d) Require a truck, trailer, vessel, container, or rail car to be marked to identify:

(i) If it has been used to transport any hazardous material, solid waste, or commodity described in (a) of this subsection; or

(ii) If it has been used to transport a hazardous material, solid waste, or commodity described in (b) of this subsection and, if so, the last date of the transportation, the most recent date on which the residue removal and decontamination procedures required under (b) of this subsection were performed, the location at which the procedures were performed, and the person responsible for the performance of the procedures.

(4) The director, after consultation with the secretary of health, the director of the utilities and transportation commission, and the director of ecology, shall adopt rules establishing criteria for the coverage of hazardous materials, solid wastes, and other commodities under subsection (3) (a) or (b) of this section, as appropriate.

Sec. 6. Section 8, chapter 198, Laws of 1963 and RCW 69.04.021 are each amended to read as follows:

The word "package" (~~shall include, and be construed to include, wrapped meats enclosed in papers or other materials as prepared by the manufacturers thereof for sale~~) means a receptacle or wrapping in which any food, food additive, drug, device, or cosmetic is

enclosed for use in the delivery or display of the food, food additive, drug, device, or cosmetic."

Renumber the sections consecutively and correct any internal references accordingly.

On page 5, line 7 after ~~"69.04.066;"~~ strike ~~"))~~ In case of a violation of any provision of RCW 69.04.040, with intent to defraud or mislead, the penalty shall be imprisonment for not more than ninety days, or a fine of not more than one thousand dollars, or both such imprisonment and fine" and insert

~~"in case of a violation of any provision of RCW 69.04.040, with intent to defraud or mislead, the penalty shall be imprisonment for not more than ninety days, or a fine of not more than one thousand dollars, or both such imprisonment and fine"))~~ A person who violates a provision of RCW 69.04.040 with intent to defraud or mislead, or otherwise knowingly violates any provision of RCW 69.04.040 shall be guilty of a gross misdemeanor and subject to imprisonment for not more than ninety days or a fine of not more than five thousand dollars, or both such imprisonment and fine"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Bender on page 1, after line 9; page 4, at the beginning of line 21 and after line 23; and page 5, line 7, to Senate Bill No. 6164.

The motion by Senator Bender carried and the amendments were adopted.

MOTIONS

On motion of Senator Bender, the following title amendment was adopted:

On page 1, line 2 of the title, after "69.04.120" insert "69.04.021."

On motion of Senator Newhouse, Engrossed Senate Bill No. 6164 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6164.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6164 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarmatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Fleming - 1.

ENGROSSED SENATE BILL NO. 6164, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5146, by Committee on Environment and Natural Resources (originally sponsored by Senators Owen, Craswell, Kreidler, Lee, Stratton, Sellar and Conner)

Providing a Hood Canal marine fish preservation area.

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

Debate ensued.

POINT OF INQUIRY

Senator Smitherman: "Senator Owen, as you know, I have a large group of fishermen in a portion of my district in Gig Harbor and they are always concerned about their opportunity for commercial fishing. Does this preclude, then, the opportunity of fishing in the Hood Canal area?"

Senator Owen: "Thank you, Senator Smitherman. When I said that this was a moderate approach to establishing a preservation area, that's one of the reasons

that it is. What we do is, we gradually phase out commercial fishing from the front end of the fishery and allow all recreational fishing to take place first, but as the fish start backing up at the hatcheries and the mouths of the rivers and the streams, then the department has the authority to open up the commercial fishing and let the nets in, so that we don't waste the fish and have a bunch of dead fish laying all over the hatcheries and the canal and rivers.

"We recognize the need to allow the commercial fisherman in and it does not totally eliminate the commercial fisherman out of the canal, but it does set up a management scheme that is more compatible with preserving the fishery in that area."

Further debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Would you please explain, Senator Owen, why we decided in this bill to ban commercial fishery, but not commercial aquaculture in Hood Canal? Are we setting aside Hood Canal as a commercial aquaculture zone?"

Senator Owen: "Senator Talmadge, are you referring to shell fish aquaculture or fin fish aquaculture or sea-weed aquaculture?"

Senator Talmadge: "On page 1 of the bill, Senator, it says, 'The director of fisheries shall incrementally reduce the commercial fishery harvest of all food fish, but not food fish produced by private aquaculture or herring used as fishing bait, within the Hood Canal recreational fishing waters to achieve a significant reduction in the commercial fishery within four years of the effective date of this act.' It appears to suggest that anything that relates to food fishery that is of an aquaculture nature would be exempted from the provisions of this bill."

Senator Owen: "I believe that the reason that language is in there, Senator Talmadge, is that there are some aquacultural facilities in that area that don't necessarily contribute to the recreational fishery. For instance, off of Hoodspout--near Hoodspout--there is a trout aquacultural facility. There is also a shell fish aquacultural facility in that area that we're trying not to affect either."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5146.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5146 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Voting nay: Senator Anderson - 1.

Excused: Senator Fleming - 1.

SUBSTITUTE SENATE BILL NO. 5146, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5070, by Committee on Transportation (originally sponsored by Senators Cantu and Smith)

Restricting access to vehicle records.

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

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5070.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5070 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Fleming - 1.

SUBSTITUTE SENATE BILL NO. 5070, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:37 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:35 a.m. by President Pro Tempore Bluechel.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

ENGROSSED SENATE BILL NO. 5328, by Senators Bluechel, Lee, Smitherman and Warnke (by request of Director of Trade and Economic Development)

Revising provisions for the community economic revitalization board.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 5328 was substituted for Engrossed Senate Bill No. 5328 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, Substitute Senate Bill No. 5328 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5328.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5328 and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Voting nay: Senator Talmadge - 1.

SUBSTITUTE SENATE BILL NO. 5328, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGE FROM THE HOUSE

January 29, 1990

Mr. President:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4434, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4434.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

THIRD READING

SENATE BILL NO. 5798, by Senators Rasmussen, Pullen, McDonald, Talmadge, Barr, Conner and Metcalf

Raising the homestead exemption.

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

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5798.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5798 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

SENATE BILL NO. 5798, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 6200, by Senators Smitherman, Lee and Conner

Extending the final report date and expiration date of the task force on ports and local associate development organizations.

The bill was read the second time.

MOTION

On motion of Senator Lee, Senate Bill No. 6200 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6200.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6200 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

SENATE BILL NO. 6200, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5379, by Committee on Governmental Operations (originally sponsored by Senators Hansen, Newhouse, Barr, Benitz, Hayner, Patterson, Matson, Stratton, Bauer and West)

Requiring a member from eastern Washington on the tax appeals board.

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

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5379.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5379 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Taimadge, Thorsness, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 5379, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING

SENATE JOINT MEMORIAL NO. 8022, by Senators Madsen, Johnson, Gaspard, Rasmussen and Murray

Paying medical treatment for children of military parents.

The joint memorial was read the second time.

MOTION

On motion of Senator Newhouse, Senate Joint Memorial No. 8022 was advanced to third reading, the second reading considered the third, and the joint memorial was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8022.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8022 and the joint memorial passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Taimadge, Thorsness, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

SENATE JOINT MEMORIAL NO. 8022, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5650, by Senators Pullen, Anderson and McCaslin

Specifying conditions for the awarding of attorneys' fees.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5650 was substituted for Senate Bill No. 5650 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the following amendment was adopted:

On page 1, line 28, after "January 1," strike "1989" and insert "1990"

MOTION

On motion of Senator Nelson, Engrossed Substitute Senate Bill No. 5650 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5650.

MOTION

On motion of Senator Bender, Senator Owen was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5650 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Owen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5650, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

January 30, 1990

SB 5487 Prime Sponsor, Senator McCaslin: Requiring real estate licensees to disclose certain information in writing. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6213 Prime Sponsor, Senator West: Revising provisions for reimbursement to department of social and health services employees for costs related to assaults. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

January 29, 1990

SB 6239 Prime Sponsor, Senator Nelson: Authorizing service of process by mail in district courts. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6239 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Madsen, Patrick, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6274 Prime Sponsor, Senator West: Establishing regional health promotion and disease prevention districts. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6274 be substituted therefor, and the substitute bill do pass and be referred to Committee on

Ways and Means. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Referred to Committee on Ways and Means.

January 30, 1990

SB 6312 Prime Sponsor, Senator West: Making technical changes to alcohol and drug treatment laws. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6312 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6325 Prime Sponsor, Senator Lee: Creating the industrial competitiveness program. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6325 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Murray, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6362 Prime Sponsor, Senator Hansen: Providing for certificates of ownership for snowmobiles. Reported by Committee on Transportation.

MAJORITY recommendation: That Substitute Senate Bill No. 6362 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; Bender, Benitz, Conner, DeJarnatt, Hansen, McMullen, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6412 Prime Sponsor, Senator McDonald: Funding the acquisition of land for wildlife conservation and outdoor recreation. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6412 as recommended by Committee on Environment and Natural Resources be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Bailey, Bluechel, Gaspard, Johnson, Lee, Niemi, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6494 Prime Sponsor, Senator Smith: Revising provisions for adoption. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6494 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6531 Prime Sponsor, Senator Patterson: Authorizing port districts to spend money on road improvements. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6531 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; Barr, Bender, Benitz, Conner, DeJarnatt, Hansen, McMullen, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6673 Prime Sponsor, Senator McCaslin: Changing provisions relating to state employees operating state-owned vehicles. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6674 Prime Sponsor, Senator McCaslin: Enlarging the department of general administration transportation management authority. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick.

Referred to Committee on Ways and Means.

January 30, 1990

SB 6733 Prime Sponsor, Senator Bailey: Establishing school improvement programs. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6733 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Murray, Rinehart.

Referred to Committee on Ways and Means.

January 30, 1990

SB 6746 Prime Sponsor, Senator Patrick: Simplifying disposal of abandoned junk vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; Barr, Bender, Hansen, Madsen, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

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

INTRODUCTION AND FIRST READING

SB 6860 by Senators Lee, Kreidler, Bailey, Williams, Patrick, Rinehart, Niemi, Metcalf, Talmadge, McMullen and Warnke

AN ACT Relating to comprehensive land use planning and economic development; amending RCW 82.02.020, 35.43.110, 35.91.020, 36.93.150, 36.93.180, 43.31.524, 43.31.526, 43.210.010, 43.210.020, 43.31.005, 43.31.035, 43.63A.065, 43.155.070, 43.160.060, and 43.168.050; amending section 1, chapter 417, Laws of 1989 (uncodified); reenacting and amending RCW 42.17.2401; adding new sections to chapter 43.31 RCW; adding new sections to chapter 43.63A RCW; adding a new chapter to Title 43 RCW; creating new sections; making an appropriation; and prescribing penalties.

Referred to Committee on Governmental Operations.

SB 6861 by Senators Bailey, Gaspard, Barr, Hansen and Anderson

AN ACT Relating to dairy products; adding new sections to chapter 15.32 RCW; and prescribing penalties.

Referred to Committee on Agriculture.

SB 6862 by Senators McMullen, Metcalf, Amondson and Sutherland

AN ACT Relating to the development of hardwood forests and hardwood products within the Washington forest industry; adding a new chapter to Title 15 RCW; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

MOTION

At 12:08 p.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, February 1, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

TWENTY-FIFTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 1, 1990

The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Megan Myhre and Geoff Cox, presented the Colors.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 30, 1990

SB 6171 Prime Sponsor, Senator Rinehart: Establishing a magnet school program. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6171 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Fleming, Gaspard, Murray, Rinehart.

Referred to Committee on Ways and Means.

January 30, 1990

SB 6220 Prime Sponsor, Senator Gaspard: Changing rules of the road with regard to school buses and private carrier buses. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6294 Prime Sponsor, Senator Saling: Establishing the local master's degree teacher training program. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6294 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Bauer, Smitherman, Stratton, von Reichbauer.

Referred to Committee on Ways and Means.

January 31, 1990

SB 6306 Prime Sponsor, Senator Saling: Revising provisions for tenure at community colleges. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6306 be substituted therefor, and the substitute bill do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6334 Prime Sponsor, Senator Metcalf: Expanding the uses of rights of way over state lands. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6381 Prime Sponsor, Senator von Reichbauer: Changing multiple insurance statutes. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6381 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, McMullen, Moore, Rasmussen, Smitherman.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6365 Prime Sponsor, Senator Lee: Permitting private collective bargaining sessions by public bodies. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6388 Prime Sponsor, Senator von Reichbauer: Regarding the cancellation of insurance. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, McMullen, Moore, Rasmussen, Smitherman.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6437 Prime Sponsor, Senator von Reichbauer: Exempting certain securities sales from securities regulation. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, McMullen, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6459 Prime Sponsor, Senator Patrick: Establishing a state recording officer. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6459 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6527 Prime Sponsor, Senator Kreidler: Providing liability insurance to foster parents. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6527 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognild.

Referred to Committee on Ways and Means.

January 30, 1990

SB 6532 Prime Sponsor, Senator Wojahn: Requiring a program of in-service training for classroom management and methods of responding to students with learning disabilities. Reported by Committee on Education

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Gaspard, Metcalf, Murray, Rinehart.

Referred to Committee on Ways and Means.

January 29, 1990

SB 6555 Prime Sponsor, Senator Bailey: Changing provisions relating to school employee attendance incentive programs. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Murray, Rinehart.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6677 Prime Sponsor, Senator Patrick: Honoring law enforcement officers who die in the line of duty. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6696 Prime Sponsor, Senator Metcalf: Allowing shrimp bottom trawling in certain areas. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6696 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amundson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

January 29, 1990

SB 6729 Prime Sponsor, Senator Nelson: Providing for DNA identification. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6729 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Patrick, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6768 Prime Sponsor, Senator Owen: Requiring progress reports on the recreational fisheries enhancement plan. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amundson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6770 Prime Sponsor, Senator Benitz: Provisions affecting alternate operator services companies and providing consumer protection penalties. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 6770 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Metcalf, Owen, Patrick, Stratton.

Passed to Committee on Rules for second reading.

January 29, 1990

SB 6776 Prime Sponsor, Senator Nelson: Revising the Washington condominium act. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6776 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Newhouse, Niemi, Patrick, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6786 Prime Sponsor, Senator Patrick: Authorizing city and town council members to serve as reserve police officers. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

January 31, 1990

ESB 6797 Prime Sponsor, Senator Benitz: Creating the fisheries 2000 council. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6797 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6802 Prime Sponsor, Senator Sellar: Changing provisions relating to reduced utility rates for low income disabled citizens. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6836 Prime Sponsor, Senator Barr: Creating the Lake Roosevelt wildlife mitigation demonstration project. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6836 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Kreidler, Patterson.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6837 Prime Sponsor, Senator Thorsness: Restricting terms and candidacies of elected state officials. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6837 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick.

Passed to Committee on Rules for second reading.

January 31, 1990

SJM 8023 Prime Sponsor, Senator Amondson: Pertaining to forest lands. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEE
GUBERNATORIAL APPOINTMENT

January 29, 1990

GA 9166 LILA GIRVIN, appointed October 13, 1989, for a term ending September 30 1991, as a member of the Board of Trustees for The Evergreen State College.

Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

January 31, 1990

Mr. President:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1825, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

January 31, 1990

Mr. President:

The House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2198 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6863 by Senator Metcalf

AN ACT Relating to the use of comparable sales in property valuation; amending RCW 84.48.150; and creating a new section.

Referred to Committee on Ways and Means.

SB 6864* by Senators Bailey, Rinehart, Lee, Bender, Anderson, Gaspard, Metcalf, Murray, Benitz, Fleming and Bauer

AN ACT Relating to educational restructuring; adding new sections to Title 28A RCW; creating new sections; making appropriations; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

SB 6865 by Senator McCaslin

AN ACT Relating to satisfaction of mortgages; amending RCW 61.16.020 and 61.16.030; and prescribing civil penalties.

Referred to Committee on Financial Institutions and Insurance.

SB 6866 by Senator Barr

AN ACT Relating to research for field and turf grass seed production; and amending RCW 70.94.656.

Referred to Committee on Agriculture.

SB 6867 by Senators Amondson, Sutherland, Benitz, Owen, Barr and Metcalf

AN ACT Relating to the transfer of state forest lands to the counties; and adding a new section to chapter 76.12 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6868 by Senators Stratton, Smith, Bailey, Vognild, Talmadge, Craswell, Owen, McMullen, Saling and West

AN ACT Relating to guardianships; amending RCW 11.88.005, 11.88.010, 11.88.020, 11.88.030, 11.88.040, 11.88.045, 11.88.080, 11.88.090, 11.88.100, 11.88.105, 11.88.107, 11.88.120, 11.88.125, 11.88.130, 11.88.140, 11.88.150, 11.92.035, 11.92.040, 11.92.050, 11.92.053, 11.92.056, 11.92.060, 11.92.090, 11.92.100, 11.92.110, 11.92.115, 11.92.130, 11.92.140, 11.92.150, 11.92.160, 11.92.170, 11.92.180, and 11.92.185; adding a new section to chapter 11.88 RCW; adding new sections to chapter 11.92 RCW; and repealing RCW 11.28.190 and 11.76.090.

Referred to Committee on Children and Family Services.

SB 6869 by Senators Bauer, Johnson, Madsen and Hansen

AN ACT Relating to freight brokers and forwarders; and amending RCW 81.80.430.

Referred to Committee on Transportation.

SB 6870 by Senators Benitz and Hansen

AN ACT Relating to the electric power and conservation planning council; and amending RCW 43.52A.040.

Referred to Committee on Energy and Utilities.

SB 6871 by Senators Benitz, Hayner and Patterson

AN ACT Relating to the Tri-Cities economy; adding a new section to chapter 43.31 RCW; creating a new section; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 6872 by Senator Benitz

AN ACT Relating to the Washington telephone assistance program; amending RCW 80.04.130, 80.36.420, 80.36.430, 80.36.440, 80.36.460, and 80.36.470; and amending section 12, chapter 229, Laws of 1987 (uncodified).

Referred to Committee on Energy and Utilities.

SB 6873 by Senators Bauer and McCaslin

AN ACT Relating to interests of school district officers in contracts; amending RCW 42.23.030; and declaring an emergency.

Referred to Committee on Education.

SB 6874 by Senators Benitz, West, Anderson and Bluechel

AN ACT Relating to exemptions and deferrals for senior citizens and persons retired for reasons of physical disability; amending RCW 84.36.381, 84.36.385, and 84.38.030; and creating new sections.

Referred to Committee on Ways and Means.

SB 6875 by Senators Bailey, Rinehart, Lee, Bender, Patrick, Murray, Talmadge, Sutherland and Metcalf

AN ACT Relating to earthquake, asbestos, and radon safety in public schools; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Education.

SB 6876 by Senator Sutherland

AN ACT Relating to involuntary treatment of drug addicts; and amending RCW 70.96A.140.

Referred to Committee on Law and Justice.

SB 6877 by Senators Hayner, Johnson, Sellar, Cantu and Bluechel

AN ACT Relating to no-fault automobile insurance; adding a new chapter to Title 48 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions and Insurance.

SCR 8433 by Senators Benitz and West

Creating a joint select committee on interpersonal violence.

Referred to Committee on Law and Justice.

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 1825 by Committee on Transportation (originally sponsored by Representatives R. Fisher, Wood, Walk, Nelson, G. Fisher, Day, Hankins, Walker, Cantwell, Todd, Heavey, Winsley, Pruitt, Wang, Prentice, R. King, Scott, Crane and Fraser)

Changing provisions relating to high capacity transportation systems.

Referred to Committee on Transportation.

*EDITOR'S NOTE: See Statement for the Journal, concerning Senate Bill No. 6864 on the 31st day, February 7, 1990.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 5545.

On motion of Senator Newhouse, Senate Bill No. 5545 was referred to the Committee on Rules.

MOTION

At 12:07 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m. Friday, February 2, 1990.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

TWENTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 2, 1990

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Conner, Fleming and Thorsness. On motion of Senator Anderson, Senator Thorsness was excused. On motion of Senator Warnke, Senators Conner and Fleming were excused.

The Sergeant at Arms Color Guard, consisting of Pages Heidi Harper and Jody Hastings, presented the Colors. Captain Greg Lewis, Chaplain of I Corps of Fort Lewis, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 30, 1990

SB 5340 Prime Sponsor, Senator Warnke: Restricting the forms of deposit available to escrow agents. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5340 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, McMullen, Rasmussen, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6151 Prime Sponsor, Senator Metcalf: Providing for mitigation of negative impacts to wildlife. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6151 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; DeJarnatt, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6307 Prime Sponsor, Senator Saling: Regulating employment listing or employment information services. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6307 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Murray, Saling, Smitherman, West, Williams.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6478 Prime Sponsor, Senator Nelson: Exempting sellers of small, human-powered boats from vessel dealer registration. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6478 be substituted therefor, and the substitute do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, Conner, DeJarnatt, Hansen, McMullen, Madsen, Murray, Nelson, Patrick.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6495 Prime Sponsor, Senator Patrick: Protecting recreational landowners from suit. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Newhouse, Patrick, Rasmussen, Thorsness.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6499 Prime Sponsor, Senator Nelson: Authorizing a surcharge or district court filing fees to fund dispute resolution centers. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6499 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Newhouse, Patrick, Rasmussen, Rinehart, Thorsness.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6508 Prime Sponsor, Senator McCaslin: Permitting a pickup to tow both a travel trailer and a boat trailer. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, Conner, DeJarnatt, Hansen, McMullen, Madsen, Murray, Nelson, Patrick.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6513 Prime Sponsor, Senator Nelson: Creating new judicial positions for the King county superior court. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6513 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Referred to Committee on Ways and Means.

January 30, 1990

SB 6515 Prime Sponsor, Senator Lee: Providing for the preservation of historic sites. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; McMullen, Matson, Murray, Smitherman, Williams.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6535 Prime Sponsor, Senator Lee: Revising provisions for private activity bond allocation ceilings. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Matson, Murray, Saling, Smitherman, West, Williams.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6562 Prime Sponsor, Senator Craswell: Creating additional superior court positions in Kitsap and Thurston counties. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Referred to Committee on Ways and Means.

February 1, 1990

SB 6567 Prime Sponsor, Senator Lee: Revising the definition of benefit year for unemployment compensation. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Matson, Murray, Saling, Smitherman, West, Williams.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6568 Prime Sponsor, Senator Lee: Revising provisions for unemployment compensation overpayments. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Matson, Murray, Saling, Smitherman, West, Williams.

Passed to Committee on Rules for second reading.

January 30, 1990.

SB 6574 Prime Sponsor, Senator Lee: Changing the definition of housing under the Washington state housing finance commission. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Murray, Saling, Smitherman, West, Williams.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6629 Prime Sponsor, Senator Lee: Exempting the developmentally disabled from prevailing wage provisions. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6629 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Murray, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6664 Prime Sponsor, Senator McDonald: Amending the business license center act. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6664 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Matson, Murray, Saling, Smitherman, West, Williams.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6668 Prime Sponsor, Senator Newhouse: Amending crime victims' compensation provisions. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6668 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Gaspard.

Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6669 Prime Sponsor, Senator Lee: Revising provisions for industrial insurance coverage of maritime occupations. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Saling, Smitherman, Williams.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6672 Prime Sponsor, Senator Nelson: Limiting liability of the parks and recreation commission for unintentional injuries on lands administered for winter recreation purposes. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6676 Prime Sponsor, Senator Patrick: Increasing the pay for jail labor performed by prisoners with outstanding fines and costs. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Niemi, Patrick, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6700 Prime Sponsor, Senator Patterson: Exempting recyclable materials from trucking regulation. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6700 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; Barr, Conner, DeJarnatt, Hansen, McMullen, Murray, Nelson.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6727 Prime Sponsor, Senator Kreidler: Regulating sale of valuable material, including shellfish, from state-owned aquatic lands. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6738 Prime Sponsor, Senator Bauer: Establishing the summer motivation and academic residential training program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Saling, Chairman; Bauer, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6753 Prime Sponsor, Senator Cantu: Requiring electronic transfer of funds for certain large tax payments. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6753 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Amondson, Bailey, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6765 Prime Sponsor, Senator Nelson: Allowing a child's statement concerning attempted acts of sexual contact to be admitted in court. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Madsen, Newhouse, Niemi, Patrick, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6767 Prime Sponsor, Senator Niemi: Creating a juvenile justice review commission. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6767 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Madsen, Newhouse, Niemi, Patrick, Rasmussen, Talmadge, Thorsness.

Referred to Committee on Ways and Means.

February 1, 1990

SB 6826 Prime Sponsor, Senator Benitz: Requiring a report to the legislature on the need for a state energy plan. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Owen, Patrick, Sutherland, Williams.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6841 Prime Sponsor, Senator Nelson: Changing provisions relating to juvenile residential burglary. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Hayner, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Referred to Committee on Ways and Means.

February 1, 1990

SB 6842 Prime Sponsor, Senator Amondson: Changing considerations of the committee for recycling markets. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
 GUBERNATORIAL APPOINTMENTS

February 1, 1990

GA 9132 RONALD DOTZAUER, appointed April 19, 1989, for a term ending September 30, 1993, as a member of the Board of Trustees for Central Washington University.
 Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Bauer, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

February 1, 1990

GA 9153 CRAIG COLE, reappointed September 25, 1989, for a term ending September 30, 1995, as a member of the Board of Trustees for Western Washington University.
 Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Bauer, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

February 1, 1990

GA 9189 GEORGE SCHWEITZER, appointed July 19, 1989, for a term ending September 30, 1993, as a member of the Board of Trustees for Clark Community College District No. 14.
 Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Bauer, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

February 1, 1990

GA 9194 ANDREW V. SMITH, appointed September 29, 1989, for a term ending September 30, 1994, as a member of the Board of Regents for the University of Washington.
 Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Bauer, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 6878 by Senator Rasmussen

AN ACT Relating to pensions for surviving spouses; and amending RCW 41.20.080, 41.20.085, and 41.26.160.

Referred to Committee on Ways and Means.

SB 6879 by Senators Rasmussen, Nelson and Vognild

AN ACT Relating to compensation for jurors; and amending RCW 2.36.150.

Referred to Committee on Law and Justice.

SB 6880 by Senators Rinehart, McCaslin and Niemi

AN ACT Relating to the disclosure of business and residential locations by state agencies and local agencies; and reenacting and amending RCW 42.17.310.

Referred to Committee on Governmental Operations.

SB 6881 by Senators West, Niemi and Smith

AN ACT Relating to counselors; and amending RCW 18.19.040.

Referred to Committee on Health and Long-Term Care.

SB 6882 by Senators McMullen, Bender, Moore and Smitherman

AN ACT Relating to personal injury protection insurance; adding new sections to chapter 48.22 RCW; and providing an effective date.

Referred to Committee on Financial Institutions and Insurance.

SB 6883 by Senators McMullen, Bender, Vognild, Moore and Smitherman

AN ACT Relating to motor vehicle liability insurance; reenacting and amending RCW 7.06.020; and adding new sections to Title 48 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 6884 by Senators Thorsness and McCaslin

AN ACT Relating to drug testing for elected public officials and candidates for elective office; adding a new chapter to Title 29 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 6885 by Senators Newhouse, Gaspard and Rasmussen (by request of Office of Financial Management)

AN ACT Relating to insurance plans for retired or disabled employees of school districts and educational service districts; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Ways and Means.

SB 6886 by Senators Fleming, Bailey, Williams, Murray, Matson, Bauer, Warnke and Vognild

AN ACT Relating to full service schools; and creating new sections.

Referred to Committee on Education.

SCR 8434 by Senators Kreidler, DeJarnatt, Talmadge, Murray and Williams

Commemorating the twentieth anniversary of Earth Day.

Referred to Committee on Environment and Natural Resources.

SCR 8435 by Senators Talmadge, von Reichbauer and Moore

Supporting the Pilotage Act.

Referred to Committee on Transportation.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9177, Grace Lynch, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15, was confirmed.

APPOINTMENT OF GRACE LYNCH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patter-son, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senators Bender, McDonald - 2.

Excused: Senators Conner, Fleming, Thorsness - 3.

INTRODUCTION OF SPECIAL GUEST

The President introduced The Honorable Dr. Jaime Bautista, the Philippine Consul General, and the Dean of the Consular Corps Officers, who was seated on the rostrum.

With permission of the Senate, business was suspended to permit Dr. Bautista to address the Senate.

INTRODUCTION OF CONSULAR OFFICERS

The President introduced the following consular officers who were seated in the gallery:

Heung Soo Kim, the Consul General of Korea; Hans-Jurgen Mendel, the Consul General of Germany; Raul Lopez Lira Castro, the Consul General of Mexico; Noel Jones, The Consul of Britain; Victor Schiantarelli, the Consul General of Peru; Walter Weber, the Consul General of Austria; Ricardo Antezana, the Consul of Bolivia; Hans Weder, the Consul of Switzerland; Kerry Monterey, the Consul of Chile; Ronald Masnik, the Consul of Belgium; Norman Westerberg, the Consul of Finland; Richard Seaborn, the Consul of Canada and Roger Gotteland, the Consul Emeritus of France.

SECOND READING

SENATE BILL NO. 6354, by Senator Barr (by request of Department of Agriculture)

Removing newspaper publication requirements for hearings on apple grades and size standards.

The bill was read the second time.

MOTION

On motion of Senator Barr, Senate Bill No. 6354 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6354.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6354 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Bender - 1.

Excused: Senators Conner, Thorsness - 2.

SENATE BILL NO. 6354, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Warnke, Senator Bender was excused.

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

THIRD READING

SENATE BILL NO. 5431, by Senators Bauer, Smith, Sutherland, McDonald and Vognild

Exempting property from the leasehold excise tax.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5431.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5431 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi,

Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Bender, Conner, Thorsness - 3.

SENATE BILL NO. 5431, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 5699, by Senators Williams, Johnson, Moore, Amondson, Matson, Saling, Wojahn and McCaslin

Extending the historic property tax exemption.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5699.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5699 and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent, 2; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Voting nay: Senators Cantu, Craswell - 2.

Absent: Senators Matson, Sellar - 2.

Excused: Senators Bender, Conner, Thorsness - 3.

SENATE BILL NO. 5699, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 5484, by Senators Thorsness, Bender, McDonald, Madsen, McCaslin, Patterson, Saling, Cantu, Lee and Johnson

Creating Washington national guard day.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5484.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5484 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Conner, Thorsness - 2.

SENATE BILL NO. 5484, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5522, by Committee on Education (originally sponsored by Senators Rinehart, Bailey, Murray and Lee)

Permitting on-site day care for education employees.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute Senate Bill No. 5522 was returned to second reading and read the second time.

On motion of Senator Rinehart, the following amendments by Senators Rinehart and Anderson were considered simultaneously and were adopted:

On page 1, line 19, strike "or"

On page 1, line 19, after "infants" insert ", or (4) children requiring nighttime care"

MOTION

On motion of Senator Bailey, Reengrossed Substitute Senate Bill No. 5522 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute Senate Bill No. 5522.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 5522 and the bill passed the Senate by the following vote: Yeas, 36; nays, 11; excused, 2.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Sutherland, Talmadge, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 36.

Voting nay: Senators Amondson, Barr, Cantu, Craswell, Hayner, Matson, McCaslin, McDonald, Metcalfe, Smith, Stratton - 11.

Excused: Senators Conner, Thorsness - 2.

REENGROSSED SUBSTITUTE SENATE BILL NO. 5522, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGE FROM THE HOUSE

February 2, 1990

Mr. President:

The Speaker has signed SUBSTITUTE HOUSE BILL NO. 2198, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 2198.

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 5450, by Committee on Education (originally sponsored by Senators Talmadge, Moore, Murray and Bauer)

Providing for education in Pacific Rim languages.

MOTIONS

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5450 was returned to second reading and read the second time.

On motion of Senator Bailey, the following amendment was adopted:

On page 4, beginning on line 11, strike all material through "." on page 5, line 3
Renummer accordingly.

On motion of Senator Talmadge, the following amendment by Senators Talmadge, McDonald and Rinehart was adopted:

On page 4, line 11, after "7," strike all material through "," on page 5, line 3, and insert "Section 28A.67.020, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 379, Laws of 1985 and RCW 28A.67.020 are each amended to read as follows:

No person, who is not a citizen of the United States of America, shall be permitted to teach in the common schools in this state: PROVIDED, That the superintendent of public instruction may grant to an alien a permit to teach in the common schools of this state if such teacher has all the other qualifications required by law, and has declared his or her intention of becoming a citizen of the United States of America: PROVIDED FURTHER, That after a one year probationary period the superintendent of public instruction, at the request of the school district which employed such teacher on a permit, may grant to an alien whose qualifications have been approved by the state board of education a standard certificate to teach in the common schools of this state: PROVIDED FURTHER, That the superintendent of public instruction may grant to a nonimmigrant alien whose qualifications have been approved by the state board of education a temporary permit to teach foreign language for a period to be defined by the superintendent of public instruction or a one-year temporary permit which is renewable (~~only once for no more than one year~~) to teach as an exchange teacher in the common schools of this state.

Before such alien shall be granted a temporary permit he or she shall be required to subscribe to an oath or affirmation in writing as follows: I do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington; that I do not advocate the overthrow, destruction, or alteration of the constitutional form of government of the United States or of the state of Washington or any political subdivision of either of them. All oaths or affirmations subscribed as herein provided shall be filed in the office of the superintendent of public instruction and shall be there retained for a period of five years. Such permits shall at all times be subject to revocation by the superintendent of public instruction."

MOTIONS

On motion of Senator Bailey, the following title amendment was adopted:

On page 1, line 1 or the title after "languages;" strike "reenacting and amending RCW 28A.70.005" and insert "amending RCW 28A.67.020"

On motion of Senator Bailey, Engrossed Substitute Senate Bill No. 5450 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5450.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5450 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Conner, Thorsness - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5450, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 6526, by Senators Anderson, Hansen, Gaspard, Barr, Bauer, Benitz, Bailey, Warnke, Sutherland and Newhouse

Relating to registration of plant protection products for minor crop uses.

MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 6526 was substituted for Senate Bill No. 6526 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, Substitute Senate Bill No. 6526 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6526.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6526 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Conner, Thorsness - 2.

SUBSTITUTE SENATE BILL NO. 6526, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5872, by Committee on Ways and Means (originally sponsored by Senators Anderson, Smitherman, Lee, Murray, West, McMullen, Benitz, Saling, Barr and Patterson)

Establishing a rural affairs revitalization committee and undertaking rural development projects.

MOTIONS

On motion of Senator Lee, Second Substitute Senate Bill No. 5872 was substituted for Engrossed Substitute Senate Bill No. 5872 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, Second Substitute Senate Bill No. 5872 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTIONS

On motion of Senator Bender, Senator Vognild was excused.

On motion of Senator Anderson, Senator Craswell was excused.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5872.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5872 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Conner, Craswell, Thorsness, Vognild - 4.

SECOND SUBSTITUTE SENATE BILL NO. 5872, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6510, by Senators Benitz, Bluechel and Williams (by request of Utilities and Transportation Commission)-

Revising provisions for registration of telecommunication companies.

The bill was read the second time.

MOTION

On motion of Senator Benitz, Senate Bill No. 6510 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6510.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6510 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Conner, Craswell, Thorsness - 3.

SENATE BILL NO. 6510, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6512, by Senators Benitz, Bluechel and Williams (by request of Utilities and Transportation Commission)

Limiting regulation of radio communications services.

The bill was read the second time.

MOTION

On motion of Senator Benitz, Senate Bill No. 6512 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6512.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6512 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Conner, Thorsness - 2.

SENATE BILL NO. 6512, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McCaslin, Senator Anderson was excused.

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 5533, by Committee on Environment and Natural Resources (originally sponsored by Senators Rasmussen, Hansen, Vognild, Patterson, Thorsness, Conner, Metcalf, Benitz, Saling and Nelson)

Protecting salmon and steelhead resources from nonendangered marine mammals.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5533.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5533 and the bill passed the Senate by the following vote: Yeas, 35; nays, 11; excused, 3.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Stratton, Vognild, von Reichbauer, West, Williams, Wojahn - 35.

Voting nay: Senators Fleming, Gaspard, Kreidler, Moore, Murray, Niemi, Rinehart, Smitherman, Sutherland, Talmadge, Warnke - 11.

Excused: Senators Anderson, Conner, Thorsness - 3.

SUBSTITUTE SENATE BILL NO. 5533, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 5908, by Senators Hansen, Madsen, Bailey, Barr, Gaspard, Newhouse, Anderson and Bauer

Extending food tax exemption to not-for-profit fairs.

The bill was read the second time.

MOTIONS

On motion of Senator Hansen, the following amendments were considered simultaneously and were adopted:

On page 3, line 2, after "exhibition" insert "as defined in chapters 15.76 and 36.37 RCW"

On page 5, line 5, after "exhibition" insert "as defined in chapters 15.76 and 36.37 RCW"

On motion of Senator Barr, Engrossed Senate Bill No. 5908 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5908.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5908 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Anderson, Conner, Thorsness - 3.

ENGROSSED SENATE BILL NO. 5908, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

THIRD READING

SENATE BILL NO. 5371, by Senators Gaspard, Bailey and Bauer

Establishing an award for excellence in teacher preparation.

MOTIONS

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5371 was returned to second reading and read the second time.

On motion of Senator Gaspard, the following amendment was adopted:

On page 2, line 7, after "and" strike "program unit" and insert "professional education advisory board"

On motion of Senator Gaspard, the following amendment was adopted:

On page 2, line 29, after "of" strike "five thousand" and insert "two thousand five hundred"

MOTION

On motion of Senator Bailey, Engrossed Senate Bill No. 5371 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5371.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5371 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Conner, Thorsness - 2.

ENGROSSED SENATE BILL NO. 5371, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

February 1, 1990

SB 6275 Prime Sponsor, Senator West: Establishing demonstration projects for persons with acquired traumatic brain injuries. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass and the bill be referred to Committee on Ways and Means. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Referred to Committee on Ways and Means.

February 1, 1990

SB 6418 Prime Sponsor, Senator Barr: Expanding rural health care opportunities. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6418 be substituted therefor, and the substitute bill do pass and the bill be referred to Committee on Ways and Means. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Referred to Committee on Ways and Means.

February 1, 1990

SB 6458 Prime Sponsor, Senator Wojahn: Pertaining to the use of controlled substances and alcohol during pregnancy. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass and and the bill be referred to Committee on Ways and Means. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Referred to Committee on Ways and Means.

February 1, 1990

SB 6462 Prime Sponsor, Senator Smith: Revising provisions for residential services for developmental disabilities clients. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6462 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton.

Referred to Committee on Ways and Means.

February 1, 1990

SB 6475 Prime Sponsor, Senator Anderson: Pertaining to day care providers. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6475 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognild.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6492 Prime Sponsor, Senator Smith: Establishing the adoption support reconsideration program. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6492 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognild.

Referred to Committee on Ways and Means.

February 1, 1990

SB 6493 Prime Sponsor, Senator Patrick: Authorizing the appointment of confidential intermediaries in adoption searches. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6493 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognild.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6558 Prime Sponsor, Senator Conner: Allowing the department of licensing to waive the driving examination for certain driver's license applicants. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, Conner, DeJarnatt, Hansen, McMullen, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6563 Prime Sponsor, Senator Vognild: Changing circumstances under which law enforcement officials may take children into custody. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognild.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6611 Prime Sponsor, Senator Benitz: Requiring notice of fee and charge increases by disposal facilities. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 6611 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Metcalf, Owen, Patrick, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6625 Prime Sponsor, Senator von Reichbauer: Prohibiting young men from receiving financial aid unless they have registered with selective service. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6625 be substituted therefor, and the substitute bill do pass. Signed by Senators Saling, Chairman; Bauer, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6701 Prime Sponsor, Senator Bluechel: Creating the maritime commission and oil spill response system. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6701 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, Conner, DeJarnatt, Hansen, McMullen, Madsen, Murray, Nelson, Patrick.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6731 Prime Sponsor, Senator McCaslin: Including absentee ballots in state-wide election abstracts. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6731 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chairman; DeJarnatt, Patrick, Sutherland.

Referred to Committee on Ways and Means.

February 1, 1990

SB 6734 Prime Sponsor, Senator Wojahn: Improving administration of historical activities and programs. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass and the bill be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chairman; DeJarnatt, Patrick, Sutherland.

Referred to Committee on Ways and Means.

February 1, 1990

SB 6777 Prime Sponsor, Senator Madsen: Designating state route number 706 as "The Road to Paradise." Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; von Reichbauer, Vice Chairman; Barr, Conner, DeJarnatt, Hansen, Madsen, Nelson, Sellar.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6814 Prime Sponsor, Senator Smith: Concerning dependency proceedings and termination of parental rights. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6814 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6815 Prime Sponsor, Senator Smith: Revising the contracting arrangements for evaluation of the maternity care access act. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6815 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6827 Prime Sponsor, Senator Benitz: Studying state-wide 911. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 6827 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Metcalf, Nelson, Owen, Patrick, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6832 Prime Sponsor, Senator Nelson: Authorizing a study of the state's juvenile rehabilitation system. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6832 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6870 Prime Sponsor, Senator Benitz: Changing the Washington delegation to the electric power and conservation planning council. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Metcalf, Nelson, Patrick, Stratton, Sutherland.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6880 Prime Sponsor, Senator Rinehart: Limiting the disclosure of business and residential locations. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6880 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 1, 1990

SCR 8429 Prime Sponsor, Senator Smith: Creating the Washington State Adoption Commission. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 8429 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognild.

Passed to Committee on Rules for second reading.

MOTION

At 11:49 a.m., on motion of Senator Newhouse, the Senate recessed until 6:00 p.m.

The Senate was called to order at 5:52 p.m. by President Pritchard.

REPORTS OF STANDING COMMITTEES

February 2, 1990

SB 5365 Prime Sponsor, Senator Bender: Establishing standards for deferral of property tax on mobile home parks serving low-income persons. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5365 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Smitherman, Williams.

Referred to Committee on Ways and Means.

February 2, 1990

SB 5587 Prime Sponsor, Senator Smith: Allowing transfer of law enforcement officers. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5587 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Matson, Murray, Saling, Smitherman, Williams.

Passed to Committee on Rules for second reading.

February 2, 1990

SSB 5993 Prime Sponsor, Committee on Energy and Utilities: Promoting the use of one thousand acres leased on the Hanford reservation. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Second Substitute Senate Bill No. 5993 be substituted therefor, and the second substitute bill do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Nelson, Owen, Patrick, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6148 Prime Sponsor, Senator Nelson: Requiring an attorneys' certificate of merit. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6148 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Newhouse, Patrick, Rasmussen.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6168 Prime Sponsor, Senator Lee: Revising provisions for prevailing rates for apprentice workers. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6168 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, Matson, Saling, West.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6174 Prime Sponsor, Senator Anderson: Prohibiting high school dropouts from obtaining or keeping drivers' permits or licenses. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6174 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Benitz, Craswell, Metcalf.

MINORITY recommendation: Do not Pass. Signed by Senators Bender, Gaspard, Murray, Rinehart.

Referred to Committee on Transportation.

February 1, 1990

SB 6184 Prime Sponsor, Senator Bender: Requiring that school buses meet certain federal safety standards. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6184 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; von Reichbauer, Vice Chairman; Bender, Benitz, Conner, DeJarnatt, Madsen, Murray, Nelson, Patrick.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6194 Prime Sponsor, Senator Kreidler: Establishing a vegetation management task force. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6194 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6219 Prime Sponsor, Senator Thorsness: Providing for the implementation of a state-wide video telecommunications system for public schools. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6219 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

January 30, 1990

SB 6221 Prime Sponsor, Senator Gaspard: Creating the high school and beyond assessment program. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6221 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Gaspard, Murray, Rinehart.

Referred to Committee on Ways and Means.

February 1, 1990

SB 6223 Prime Sponsor, Senator Rinehart: Changing the frequency of scoliosis screening in public schools. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6223 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6243 Prime Sponsor, Senator Warnke: Clarifying the tax exemption for property owned by veterans' organizations. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6243 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6269 Prime Sponsor, Senator West: Providing for a uniform health care insurance claim form. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Wojahn.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6276 Prime Sponsor, Senator Sutherland: Delineating examples of parental behavior that would represent a manifest danger to a child. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6276 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognilid.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6291 Prime Sponsor, Senator Hansen: Regulating purple loosestrife. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6291 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Referred to Committee on Ways and Means.

February 2, 1990

SB 6323 Prime Sponsor, Senator Gaspard: Regarding wrongful death actions. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Hayner, Madsen, Niemi, Patrick, Rasmussen, Rinehart, Talmadge.

Referred to Committee on Ways and Means.

February 1, 1990

SB 6347 Prime Sponsor, Senator Nelson: Revising regulation of motor vehicle wreckers. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6347 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, Conner, DeJarnatt, Hansen, McMullen, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6350 Prime Sponsor, Senator Smith: Modifying acceptable proof of a corporation's nonresident status. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman, Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Owen, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6371 Prime Sponsor, Senator von Reichbauer: Creating the department of financial institutions. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6371 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Fleming, McCaslin, McMullen, Moore, Rasmussen, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6376 Prime Sponsor, Senator Metcalf: Allowing biological grandparents to visit adopted children. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6376 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Patrick, Rasmussen, Talmadge.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6378 Prime Sponsor, Senator Newhouse: Allowing local school districts to use local effort assistance funds for school construction. Reported by Committee on Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Benitz, Craswell, Metcalf.

Referred to Committee on Ways and Means.

February 1, 1990

SB 6399 Prime Sponsor, Senator Barr: Requiring employer compliance with the office of support enforcement. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Niemi, Patrick, Rasmussen, Talmadge.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6402 Prime Sponsor, Senator West: Continuing the board of pharmacy and modifying licensures. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6402 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6411 Prime Sponsor, Senator Lee: Establishing an employment training program. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6411 be substituted therefor, and the substitute bill do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Murray, Saling, Smitherman, West, Williams.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6414 Prime Sponsor, Senator West: Enhancing availability of medical care for children. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6414 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Referred to Committee on Ways and Means.

February 1, 1990

SB 6419 Prime Sponsor, Senator Thorsness: Creating a jail standards incentive board. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6419 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Newhouse, Niemi, Patrick, Rasmussen, Talmadge, Thorsness.

Referred to Committee on Ways and Means.

February 2, 1990

SB 6424 Prime Sponsor, Senator Talmadge: Establishing two pilot facilities for the long-term care of children. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Smith, Chairman; Bailey, Stratton, Vognilid.

Passed to Committee on Ways and Means.

February 1, 1990

SB 6426 Prime Sponsor, Senator Cantu: Designating state route number 901 a scenic highway. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6426 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Barr, Bender, Benitz, Conner, DeJarnatt, Hansen, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6434 Prime Sponsor, Senator Bender: Establishing a bicycle awareness program. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6434 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, DeJarnatt, McMullen, Madsen, Murray.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6438 Prime Sponsor, Senator Lee: Facilitating eleventh and twelfth grade students' enrollment in public community colleges. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6438 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6445 Prime Sponsor, Senator Rasmussen: Changing provisions relating to the law enforcement officers' and fire fighters' retirement system. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6445 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6474 Prime Sponsor, Senator Williams: Changing provisions relating to purchase and sale of property and policy decisions by certain public corporations. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6474 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer,

Chairman; Johnson, Vice Chairman; Fleming, McMullen, Moore, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6476 Prime Sponsor, Senator Craswell: Providing an alternative to teacher certification. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6476 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6501 Prime Sponsor, Senator Barr: Creating a central filing system for security interests in farm crops. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6501 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6533 Prime Sponsor, Senator Owen: Changing provisions relating to school suspension. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Craswell, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6536 Prime Sponsor, Senator McDonald: Providing for the purchase of state forest lands. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6536 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Moore, Niemi, Owen, Saling, Smith, Talmadge, Warnke.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6546 Prime Sponsor, Senator Lee: Changing provisions relating to employment policies. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Matson, Murray, Saling, Smitherman, Williams.

Referred to Committee on Ways and Means.

February 2, 1990

SB 6581 Prime Sponsor, Senator Lee: Changing provisions relating to inmate work programs. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6581 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; McMullen, Matson, Murray, Smitherman, Williams.

Referred to Committee on Ways and Means.

February 1, 1990

SB 6582 Prime Sponsor, Senator Lee: Providing that clubs that discriminate are not entitled to class H licenses. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6582 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Smitherman, Williams.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6588 Prime Sponsor, Senator Nelson: Defining when a live performance may be a moral nuisance. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Patrick, Rasmussen, Talmadge.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6610 Prime Sponsor, Senator Craswell: Revising provisions for at-risk youth. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6610 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognild.

Referred to Committee on Ways and Means.

February 1, 1990

SB 6626 Prime Sponsor, Senator Conner: Requiring an assessment of higher education needs of placebound students. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6626 be substituted therefor, and the substitute bill do pass. Signed by Senators Saling, Chairman; Bauer, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6630 Prime Sponsor, Senator Barr: Revising provisions for the subdivision of land that is in whole or in part within an irrigation district and that has been previously platted by the United States. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6635 Prime Sponsor, Senator Patrick: Clarifying educational requirements regarding sign language. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Metcalf, Murray.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6640 Prime Sponsor, Senator McMullen: Expanding the use of hotel-motel tax revenues to develop tourism strategies. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Murray, Smitherman, West, Williams.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6642 Prime Sponsor, Senator McMullen: Revising the Washington Marketplace Program. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6642 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Matson, Murray, Saling, Smitherman, West, Williams.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6643 Prime Sponsor, Senator Thorsness: Creating an associate instructor teaching classification. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6643 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Fleming, Metcalf, Murray.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6649 Prime Sponsor, Senator Conner: Clarifying the status of Adopt-a-Highway signs. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6649 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; von Reichbauer, Vice Chairman; Barr, Benitz, Conner, DeJarnatt, Hansen, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6662 Prime Sponsor, Senator Smitherman: Establishing urban revitalization projects. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6662 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Matson, Murray, Saling, Smitherman, West, Williams.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6670 Prime Sponsor, Senator Talmadge: Prohibiting display and distribution of "slasher" videos or movies to minors. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6670 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Hayner, Madsen, Newhouse, Patrick, Rasmussen, Talmadge.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6671 Prime Sponsor, Senator Anderson: Granting an exemption to the definition of worker for industrial insurance purposes. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6671 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, Matson, Saling, West.

Passed to Committee on Rules for second reading.

January 31, 1990

SB 6681 Prime Sponsor, Senator Lee: Changing provisions relating to the lease or rental of surplus real property owned by a school district. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6681 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Gaspard, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6685 Prime Sponsor, Senator Anderson: Revising provisions for the Washington economic development finance authority. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6685 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Matson, Murray, Saling, Smitherman, West, Williams.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6691 Prime Sponsor, Senator Smitherman: Amending plumbing provisions. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6691 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Smitherman, Williams.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6694 Prime Sponsor, Senator Lee: Regulating the sale of mobile homes and mobile home parks. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6694 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Smitherman, Williams.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6697 Prime Sponsor, Senator DeJarnatt: Ordering a study of the need for a second bridge over the Columbia at Longview. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6697 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, Conner, DeJarnatt, Hansen, Madsen, Murray, Nelson, Patrick.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6698 Prime Sponsor, Senator Metcalf: Imposing a fee on the sale of solid fuel burning devices. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6698 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6710 Prime Sponsor, Senator West: Providing for the prevention of alcohol and drug-related illness and injury. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6710 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Wojahn.

MINORITY recommendation: Do not pass. Signed by Senator Niemi.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6713 Prime Sponsor, Senator Smith: Prohibiting the use of styrofoam containers for fishing bait. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6713 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6726 Prime Sponsor, Senator Owen: Providing funds for firearm range facilities. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6726 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6732 Prime Sponsor, Senator Cantu: Defining public works sites. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, Matson, Saling, West.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6735 Prime Sponsor, Senator Patrick: Providing for employer workers' compensation group self-insurance. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, Matson, Saling, West.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6740 Prime Sponsor, Senator Matson: Regulating medical treatment under the industrial insurance retrospective rating program. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6740 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Matson, Murray, Smitherman, West, Williams.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6742 Prime Sponsor, Senator Lee: Requiring notice of electricity expansion beyond cities. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 6742 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Metcalf, Nelson, Owen, Patrick.

MINORITY recommendation: Do not pass. Signed by Senators Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6761 Prime Sponsor, Senator Newhouse: Revising the implementation date for voluntary combined reporting for agricultural employers. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6764 Prime Sponsor, Senator Rinehart: Creating community support programs in education. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6764 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Benitz, Fleming, Gaspard, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6771 Prime Sponsor, Senator Lee: Studying the placement of electric transmission lines and magnetic fields. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 6771 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Nelson, Owen, Patrick, Stratton, Sutherland.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6779 Prime Sponsor, Senator Barr: Providing for regional water resource planning. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6779 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6787 Prime Sponsor, Senator Anderson: Establishing the industrial insurance surety bond commission. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Matson, Murray, Saling, Smitherman, Williams.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6791 Prime Sponsor, Senator Williams: Requiring specific identifying information for credit reports. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McMullen, Matson, Moore, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6792 Prime Sponsor, Senator Bluechel: Creating the community diversification program. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6792 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Murray, Saling, Smitherman, West, Williams.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6798 Prime Sponsor, Senator Smith: Requiring notice of health care insurance cancellation for nonpayment of premiums. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6798 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McCaslin, McMullen, Matson, Moore, Smitherman.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6799 Prime Sponsor, Senator Metcalf: Protecting wetlands. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6799 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Gaspard, Hansen, Newhouse.

Referred to Committee on Ways and Means.

February 2, 1990

SB 6804 Prime Sponsor, Senator Williams: Prohibiting certain credit practices. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6804 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McMullen, Moore, Smitherman.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6807 Prime Sponsor, Senator Benitz: Prohibiting persons who have caused a minor to commit a felony from working in public schools. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6807 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Benitz; Craswell, Metcalf.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6809 Prime Sponsor, Senator West: Regulating the withholding of commissions by closing agents. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6809 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McCaslin, McMullen, Matson, Moore, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6813 Prime Sponsor, Senator Thorsness: Clarifying the method for determining the proportionate share of damages when multiple parties are at fault. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Newhouse, Patrick, Rasmussen.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6816 Prime Sponsor, Senator Anderson: Exempting milk pumping from the special fuel tax. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6823 Prime Sponsor, Senator Benitz: Studying residential energy efficiency. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 6823 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Nelson, Owen, Patrick, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6834 Prime Sponsor, Senator Sellar: Establishing a basic health care plan for small business employees. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6834 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McMullen, Matson, Moore, Sellar, Smitherman.

Referred to Committee on Ways and Means.

February 1, 1990

SB 6839 Prime Sponsor, Senator Barr: Providing for protection of the Kettle River. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6858 Prime Sponsor, Senator Cantu: Establishing a workforce training program. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6858 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Matson, Saling, West.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6861 Prime Sponsor, Senator Bailey: Monitoring the impact of certain substances upon the dairy industry. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6862 Prime Sponsor, Senator McMullen: Creating the Washington hardwoods commission. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6865 Prime Sponsor, Senator McCaslin: Penalizing nonacknowledgement of mortgage satisfaction. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McCaslin, McMullen, Matson, Moore, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6866 Prime Sponsor, Senator Barr: Changing fee amount for research for field and turf grass seed production. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen.

Passed to Committee on Rules for second reading.

February 2, 1990

SB 6868 Prime Sponsor, Senator Stratton: Modifying guardianship provisions regarding incapacitated persons. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6868 be substituted therefor, and the substitute bill do pass. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognild.

Passed to Committee on Rules for second reading.

February 1, 1990

SB 6875 Prime Sponsor, Senator Bailey: Addressing earthquake, asbestos, and radon safety in public schools. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Gaspard, Murray, Rinehart.

Referred to Committee on Ways and Means.

February 2, 1990

SJM 8025 Prime Sponsor, Senator von Reichbauer: Petitioning Congress to support the earthquake project. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators Johnson, Vice Chairman; Fleming, McCaslin, McMullen, Moore, Sellar, Smitherman, West.

Passed to Committee on Rules for second reading.

February 2, 1990

SJR 8231 Prime Sponsor, Senator Wojahn: Allowing video testimony of children under ten years of age who are sexual abuse victims. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Patrick, Rasmussen.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Senate Joint Resolution No. 8212.

On motion of Senator Newhouse, Senate Joint Resolution No. 8212 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Rules, was relieved of further consideration of Senate Bill No. 6832 (read in on Reports of Standing Committees earlier today).

On motion of Senator Newhouse, Senate Bill No. 6832 was referred to the Committee on Ways and Means.

MOTION

At 5:54 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, February 5, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

TWENTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 5, 1990

The Senate was called to order at 10:00 a.m. by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Amundson, Barr, Bender, Benitz, Fleming, Hansen, Hayner, Nelson, Newhouse, Owen, Smith and Williams. On motion of Senator Warnke, Senators Bender, Fleming, Hansen and Williams were excused. On motion of Senator Anderson, Senators Barr, Benitz, Hayner, Nelson, Newhouse and Smith were excused.

The Sergeant at Arms Color Guard, consisting of Pages Cory Rasmussen and Patrick Rasmussen, grandsons of Senator A. L. Rasmussen, presented the Colors. Reverend Max Lafser, pastor of the Unity Church of Olympia, offered the prayer.

MOTION

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

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
General Administration Building
Olympia, Washington 98504

January 12, 1990

Gordon Golob
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504

Dear Gordon:

The enclosed report of the Washington Economic Development Finance Authority is being submitted in accordance with the requirements of Section 309 of the 1989 Budget Act.

Please contact David Dougherty, Director of the Business Assistance Center at 753-5632 if you have any questions.

Sincerely,
JOHN C. ANDERSON, Director

The Select Committee Report is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE HOUSE

February 2, 1990

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1375.

SECOND SUBSTITUTE HOUSE BILL NO. 1405.

ENGROSSED HOUSE BILL NO. 1491.

HOUSE BILL NO. 2216.

ENGROSSED HOUSE BILL NO. 2260, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6887 by Senator Owen

AN ACT Relating to definitions in insurance contracts; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 6888 by Senators McDonald and Rasmussen

AN ACT Relating to public risk management; adding a new section to chapter 4.92 RCW; adding new sections to chapter 4.24 RCW; adding a new section to chapter 5.44 RCW; adding new sections to chapter 19, Laws of 1989 1st ex. sess.; and making appropriations.

Referred to Committee on Ways and Means.

SB 6889 by Senators Bluechel, Williams, Thorsness, Cantu, Patrick, McDonald, Anderson and Nelson

AN ACT Relating to the Puget Sound regional growth authority; amending RCW 36.81.121, 35.77.010, 35.58.2795, and 82.02.020; adding a new section to Title 28A RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 66.08 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 82.44 RCW; adding a new chapter to Title 64 RCW; adding a new chapter to Title 82 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 6890 by Senators McCaslin and Sellar

AN ACT Relating to purchasing services by contract; amending RCW 28B.16.040, 28B.16.240, and 41.06.380; and adding a new section to chapter 43.19 RCW.

Referred to Committee on Ways and Means.

SB 6891 by Senators Williams and Bluechel

AN ACT Relating to transportation corridors; amending RCW 82.44.150; and adding a new chapter to Title 43 RCW.

Referred to Committee on Transportation.

SB 6892 by Senators Gaspard, Vognild, Patrick, Rinehart, Lee, Smitherman, von Reichbauer, Warnke, Bauer, Hansen, Williams, Stratton, Sutherland, Rasmussen, Fleming, Talmadge, Kreidler, Bender, Niemi, Murray, Madsen, McMullen, DeJarnatt, Conner, Moore, Wojahn and Owen

AN ACT Relating to state employee salaries; amending section 503, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 504, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 601, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 602, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 603, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 604, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 605, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 606, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 607, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 608, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 610, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 613, chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 714, chapter 19, Laws of 1989 1st ex. sess. (uncodified); adding new sections to chapter 19, Laws of 1989 1st ex. sess. (uncodified); and making appropriations.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1375 by Committee on Commerce and Labor (originally sponsored by Representative Kremen)

Requiring certification of electric spa equipment.

Referred to Committee on Economic Development and Labor.

2SHB 1405 by Committee on Capital Facilities and Financing (originally sponsored by Representatives Jacobsen, H. Sommers, Prince, Wood,

Spanel, Locke, O'Brien, Heavey, Miller, Brekke, Basich, Sayan, Phillips and Crane) (by request of Governor Gardner)

Regarding building fees for higher education.

Referred to Committee on Higher Education.

EHB 1491 by Representatives Leonard, Schoon, Moyer, Prentice, Anderson, Raiter, Hine, Wineberry, Todd, Vekich, Cooper, Brekke, Jacobsen, Nelson, R. King, Pruitt, Sayan, Spanel, Basich and Rasmussen

Redefining the role of the community action agency network.

Referred to Committee on Children and Family Services.

HB 2216 by Representatives Day, D. Sommers, Walk, Moyer, Schmidt, Rector, Wolfe, R. Fisher, Silver, Cooper, Prince, Dellwo and Fuhrman.

Revising provisions for the Spokane river toll bridge.

Referred to Committee on Transportation.

EHB 2260 by Representatives Ferguson, Haugen and Wood

Changing provisions relating to the Municipal Research Council.

Referred to Committee on Governmental Operations.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9184, Dr. Erik Pearson, as a member of the Board of Trustees for Columbia Basin Community College District No. 19, was confirmed.

APPOINTMENT OF DR. ERIK PEARSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; absent, 2; excused, 10.

Voting yea: Senators Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 37.

Absent: Senators Amondson, Owen - 2.

Excused: Senators Barr, Bender, Benitz, Fleming, Hansen, Hayner, Nelson, Newhouse, Smith, Williams - 10.

INTRODUCTION OF SPECIAL GUEST

The President Pro Tempore introduced the 1989 Miss Washington, Jennifer Wall, who was seated on the rostrum.

With permission of the Senate, business was suspended to permit Miss Washington to address the Senate.

INTRODUCTION OF MISS WASHINGTON SCHOLARSHIP PAGEANT CONTESTANTS

The President Pro Tempore introduced eighteen of the Miss Washington Scholarship Pageant contestants accompanying Miss Washington, who were seated in the gallery.

SECOND READING

SENATE JOINT MEMORIAL NO. 8017, by Senators DeJarnatt, Smith, Sutherland, Bauer, Newhouse, Sellar, Hayner, Benitz, Hansen and Barr

Resolving to commemorate the 200th anniversary of the discovery of the Columbia river.

The joint memorial was read the second time.

MOTION

On motion of Senator Metcalf, Senate Joint Memorial No. 8017 was advanced to third reading, the second reading considered the third, and the joint memorial was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8017.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8017 and the joint memorial passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Excused: Senators Barr, Bender, Benitz, Fleming, Hansen, Hayner, Nelson, Newhouse, Smith - 9.

SENATE JOINT MEMORIAL NO. 8017, having received the constitutional majority, was declared passed.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5503, by Committee on Higher Education (originally sponsored by Senators Patterson, Vognild, Newhouse, Gaspard, Sellar, Bauer, Craswell, Warnke, Talmadge and Johnson)

Establishing the Cherberg scholarship program.

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

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5503.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5503 and the bill passed the Senate by the following vote: Yeas, 38; absent, 2; excused, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, DeJarnatt, Gaspard, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, Warnke, West, Williams, Wojahn - 38.

Absent: Senators Craswell, von Reichbauer - 2.

Excused: Senators Barr, Bender, Benitz, Fleming, Hansen, Hayner, Nelson, Newhouse, Smith - 9.

SUBSTITUTE SENATE BILL NO. 5503, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 5424, by Senators Metcalf, Amondson, DeJarnatt and Patterson

Providing for landowner liability protection for volunteer projects.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, Senate Bill No. 5424 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5424.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5424 and the bill passed the Senate by the following vote: Yeas, 39; absent, 1; excused, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 39.

Absent: Senator Moore - 1.

Excused: Senators Barr, Bender, Benitz, Fleming, Hansen, Hayner, Nelson, Newhouse, Smith - 9.

SENATE BILL NO. 5424, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Warnke, Senator Moore was excused.

SECOND READING

SENATE BILL NO. 5568, by Senators von Reichbauer, Hansen, Patterson, Madsen, Sellar, DeJarnatt and Conner

Adjusting fees charged by county auditors and subagents.

MOTIONS

On motion of Senator Patterson, Second Substitute Senate Bill No. 5568 was substituted for Senate Bill No. 5568 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, Second Substitute Senate Bill No. 5568 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5568.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5568 and the bill passed the Senate by the following vote: Yeas, 39; excused, 10.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 39.

Excused: Senators Barr, Bender, Benitz, Fleming, Hansen, Hayner, Moore, Nelson, Newhouse, Smith - 10.

SECOND SUBSTITUTE SENATE BILL NO. 5568, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6192, by Senators West, Stratton, McCaslin and Kreidler

Revising provisions for substitution of generic drugs.

The bill was read the second time.

MOTION

On motion of Senator West, Senate Bill No. 6192 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6192.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6192 and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yeas: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Excused: Senators Barr, Bender, Benitz, Fleming, Hansen, Hayner, Nelson, Newhouse, Smith - 9.

SENATE BILL NO. 6192, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Warnke, Senator DeJarnatt was excused.

SECOND READING

SENATE BILL NO. 6290, by Senators Benitz, Stratton, Williams, Nelson, Bluechel, Metcalf and Owen

Revising provisions for telecommunications devices for the hearing impaired and speech impaired and repealing the expiration date.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 6290 was substituted for Senate Bill No. 6290 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Williams, further consideration of Substitute Senate Bill No. 6290 was deferred.

SECOND READING

SENATE BILL NO. 6303, by Senators von Reichbauer, Bender, Thorsness, Murray and Talmadge

Enhancing pedestrian safety.

The bill was read the second time.

MOTION

On motion of Senator Patterson, Senate Bill No. 6303 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator von Reichbauer, let me say a majority of these accidents are caused by that car that stops. He sees a pedestrian as he is going across the pedestrian lane. The car behind him can't see the pedestrian and goes full bore and usually the pedestrian comes up over the windshield. What can we do to solve that? There have been several close escapes and I hate to stop for pedestrians and have them in front of my car and the guy comes along the side and flips him. It makes a very dangerous situation. I suspect the Transportation Committee has studied that. It isn't bad at a light, because you know that, but you don't know it at a marked pedestrian crossing."

Senator von Reichbauer: "Senator Rasmussen, I've been in consultation with our chairman of the Senate Committee on Transportation and that is one of the

issues that we will be reviewing in the interim. You've raised a very valid consideration and concern and that is something we definitely need to work more on."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6303.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6303 and the bill passed the Senate by the following vote: Yeas, 39; excused, 10.

Voting yeas: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 39.

Excused: Senators Barr, Bender, Benitz, DeJarnatt, Fleming, Hansen, Hayner, Nelson, Newhouse, Smith - 10.

SENATE BILL NO. 6303, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6304, by Senators Saling, Bauer, McDonald, Stratton, Bailey, von Reichbauer, Lee, Johnson, McCaslin, Benitz, Thorsness and Amondson

Requiring that sick leave records be kept for teaching and research faculty at state and regional universities.

The bill was read the second time.

MOTION

On motion of Senator Saling, Senate Bill No. 6304 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6304.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6304 and the bill passed the Senate by the following vote: Yeas, 39; excused, 10.

Voting yeas: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 39.

Excused: Senators Barr, Bender, Benitz, DeJarnatt, Fleming, Hansen, Hayner, Nelson, Newhouse, Smith - 10.

SENATE BILL NO. 6304, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6327, by Senators McCaslin, Sutherland, Saling and Thorsness (by request of Washington State Patrol)

Exempting certain state patrol from the civil service.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, Senate Bill No. 6327 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6327.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6327 and the bill passed the Senate by the following vote: Yeas, 39; excused, 10.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 39.

Excused: Senators Barr, Bender, Benitz, DeJarnatt, Fleming, Hansen, Hayner, Nelson, Newhouse, Smith - 10.

SENATE BILL NO. 6327, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6360, by Senator Thorsness

Updating the Model Traffic Ordinance.

The bill was read the second time.

MOTION

On motion of Senator Patterson, Senate Bill No. 6360 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6360.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6360 and the bill passed the Senate by the following vote: Yeas, 37; absent, 2; excused, 10.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Niemi, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 37.

Absent: Senators Owen, Patrick - 2.

Excused: Senators Barr, Bender, Benitz, DeJarnatt, Fleming, Hansen, Hayner, Nelson, Newhouse, Smith - 10.

SENATE BILL NO. 6360, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Patrick was excused.

SECOND READING

SENATE BILL NO. 6383, by Senators Anderson, Lee, Smitherman and Rasmussen (by request of Department of Labor and Industries)

Promoting labor-management cooperation on the industrial insurance system.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 6383 was substituted for Senate Bill No. 6383 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, Substitute Senate Bill No. 6383 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6383.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6383 and the bill passed the Senate by the following vote: Yeas, 38; absent, 1; excused, 10.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 38.

Absent: Senator McDonald - 1.

Excused: Senators Barr, Bender, Benitz, DeJarnatt, Hansen, Hayner, Nelson, Newhouse, Patrick, Smith - 10.

SUBSTITUTE SENATE BILL NO. 6383, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6421, by Senators Rinehart, Bender, Thorsness, Rasmussen, McCaslin, DeJarnatt, Moore, Smitherman and Bauer

Adding submarine veterans of World War II to the list of organizations represented on the veterans affairs advisory committee.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, Senate Bill No. 6421 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6421.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6421 and the bill passed the Senate by the following vote: Yeas, 39; excused, 10.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 39.

Excused: Senators Barr, Bender, Benitz, DeJarnatt, Hansen, Hayner, Nelson, Newhouse, Patrick, Smith - 10.

SENATE BILL NO. 6421, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6583, by Senators McDonald, Metcalf, Sutherland, Barr, Amondson, Benitz, Warnke and Johnson

Changing provisions relating to air pollution control authorities.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, Senate Bill No. 6583 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, this will allow them to collect some more money, but that's not what is bothering me. It is only money. When they

declare a ban, state-wide, on the burning of stoves, fireplaces and so forth, including certified stoves, that is getting beyond reason. What do you do if you have a fire going and they declare a ban? You hear it on the radio that there is a ban on, state-wide. Do you dump water on it? That creates steam and that creates more pollution and it all goes up the chimney."

Senator McDonald: "Senator Rasmussen, you always have a way of putting things that are hard to answer, but that is not the subject of this bill. I would join with you in taking a look at this. Let me tell you what Section 2 has to do with the Condominium Association. A constituent in my district brought my attention to the fact that if you have one person that was burning and it is coming out of a chimney that has multiple condominium owners on it, then the Air Pollution Control Authority would fine the Association, which is everybody in the Condominium Association, for one person, and you have no idea who it was. This has a procedure whereby the Condominium Association will work together with the Air Pollution Control Authority, but they will not be able to fine everybody, if one person pollutes."

Senator Rasmussen: "Well, all the condo owners may be in the one condo that has the fire in it in order to stay warm. We should be doing something to protect the people that are spending thousands of dollars on their certified stoves--and I imagine that is all they handle now. If you have any suggestions, we would be glad to offer an amendment."

Senator McDonald: "I would be more than happy to join with you in that, but I don't believe that this is probably the vehicle to solve the problem, although your thought about all of them squeezed in one condo is intriguing."

Senator Rasmussen: "I see Senator Patterson has an answer."

REMARKS BY SENATOR PATTERSON

Senator Patterson: "Thank you, Mr. President. I really don't have an answer, except we do have a bill that is working through the process here, addressing the state-wide ban situation. It came out through Senator Metcalf's Environment Committee, also, dealing with the certified stoves. They will be on the approved list. You can burn those if this bill passes, so I think this issue is being addressed currently through other legislation."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6583.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6583 and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Excused: Senators Barr, Bender, Benitz, DeJarnatt, Hansen, Hayner, Nelson, Newhouse, Smith - 9.

SENATE BILL NO. 6583, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5300, by Senators Lee, Smitherman, Murray, West, Anderson, Johnson, Williams, Rasmussen and McMullen (by request of Department of Labor and Industries)

Updating references to women and minorities in apprenticeship programs statute.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 5300 was substituted for Senate Bill No. 5300 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, Substitute Senate Bill No. 5300 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5300.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5300 and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Excused: Senators Barr, Bender, Benitz, DeJarnatt, Hansen, Hayner, Nelson, Newhouse, Smith - 9.

SUBSTITUTE SENATE BILL NO. 5300, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5340, by Senators Warnke, Smitherman and Johnson

Restricting the forms of deposit available to escrow agents.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 5340 was substituted for Senate Bill No. 5340 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, Substitute Senate Bill No. 5340 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5340.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5340 and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Excused: Senators Barr, Bender, Benitz, DeJarnatt, Hansen, Hayner, Nelson, Newhouse, Smith - 9.

SUBSTITUTE SENATE BILL NO. 5340, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5487, by Senators McCaslin, DeJarnatt and Thorsness

Requiring real estate licensees to disclose certain information in writing.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, Senate Bill No. 5487 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5487.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5487 and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yeas: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Excused: Senators Barr, Bender, Benitz, DeJarnatt, Hansen, Hayner, Nelson, Newhouse, Smith - 9.

SENATE BILL NO. 5487, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5555, by Senators Patterson, Hansen, Madsen and Benitz (by request of Utilities and Transportation Commission)

Modifying railroad crossing inspection fees.

The bill was read the second time.

MOTION

On motion of Senator Patterson, Senate Bill No. 5555 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5555.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5555 and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yeas: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Excused: Senators Barr, Bender, Benitz, DeJarnatt, Hansen, Hayner, Nelson, Newhouse, Smith - 9.

SENATE BILL NO. 5555, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:40 a.m., on motion of Senator Sellar, the Senate was declared to be at ease.

The Senate was called to order at 11:48 a.m. by President Pro Tempore Bluechel.

MOTIONS

On motion of Senator Sellar, the Senate advanced to the ninth order of business.

On motion of Senator Sellar, the Rules Committee was relieved of further consideration of Senate Bill No. 6219.

On motion of Senator Sellar, Senate Bill No. 6219 was referred to the Committee on Ways and Means.

On motion of Senator Sellar, the Rules Committee was relieved of further consideration of Senate Bill No. 6726.

On motion of Senator Sellar, Senate Bill No. 6726 was referred to the Committee on Ways and Means.

On motion of Senator Sellar, the Rules Committee was relieved of further consideration of Senate Bill No. 6779.

On motion of Senator Sellar, Senate Bill No. 6779 was referred to the Committee on Ways and Means.

MOTION

At 11:49 a.m., on motion of Senator Sellar, the Senate adjourned until 9:00 a.m., Tuesday, February 6, 1990.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

THIRTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 6, 1990

The Senate was called to order at 9:00 a.m. by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bender, Fleming, Matson, Patterson, Sellar and Smith.

The Sergeant at Arms Color Guard, consisting of Pages Keri Castaneda and Jack Dunnigan, presented the Colors. Reverend Max Latser, pastor of the Unity Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

February 5, 1990

Mr. President:

The House has passed:

HOUSE BILL NO. 2264,

HOUSE BILL NO. 2288,

HOUSE BILL NO. 2303,

HOUSE BILL NO. 2525,

ENGROSSED HOUSE BILL NO. 2608, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 2264 by Representative H. Sommers

Correcting double amendments regarding general obligation bonds.

Referred to Committee on Ways and Means.

HB 2288 by Representatives H. Sommers, Wood, Rasmussen, Schoon and R. King (by request of Department of Community Development)

Regarding appropriations for public works projects.

Referred to Committee on Ways and Means.

HB 2303 by Representatives Crane, Locke, Todd, Fraser, Brough and Rayburn

Removing the 40% validation requirement for emergency medical service levies.

Referred to Committee on Governmental Operations.

HB 2525 by Representatives Miller, Jacobsen, Nelson and May (by request of Washington Utilities and Transportation Commission)

Limiting regulation of radio communications services.

Referred to Committee on Energy and Utilities.

EHB 2608 by Representatives Valle, Vekich and Heavey

Requiring posting of liquor applications.

Referred to Committee on Economic Development and Labor.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9132, Ronald Dotzauer, as a member of the Board of Trustees for Central Washington University, was confirmed.

APPOINTMENT OF RONALD DOTZAUER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; absent, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senators Bender, Fleming, Matson, Metcalf, Patterson, Sellar, Smith - 7.

MOTION

On motion of Senator Warnke, Senators Bender and Fleming were excused.

MOTION

On motion of Senator Thorsness, Gubernatorial Appointment No. 9038, Donald E. Kokjer, as a member of the Marine Employee's Commission, was confirmed.

APPOINTMENT OF DONALD E. KOKJER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Bender, Fleming - 2.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6290, deferred on second reading February 5, 1990.

MOTION

On motion of Senator Benitz, Substitute Senate Bill No. 6290 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6290.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6290 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Bender, Fleming - 2.

SUBSTITUTE SENATE BILL NO. 6290, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6348, by Senators Madsen, Patrick, Bender and Patterson

Permitting temporary-use nonpneumatic spare tires.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 6348 was substituted for Senate Bill No. 6348 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, Substitute Senate Bill No. 6348 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6348.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6348 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Hayner - 1.

Excused: Senator Bender - 1.

SUBSTITUTE SENATE BILL NO. 6348, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senators Hayner and McDonald were excused.

SECOND READING

SENATE BILL NO. 6392, by Senators Nelson, Talmadge and Newhouse

Amending requisites of wills.

The bill was read the second time.

MOTION

On motion of Senator Nelson, Senate Bill No. 6392 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6392.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6392 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Bender, Hayner, McDonald - 3.

SENATE BILL NO. 6392, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6396, by Senators Nelson, Talmadge and Newhouse

Revising the deed of trust act.

The bill was read the second time.

MOTION

On motion of Senator Nelson, Senate Bill No. 6396 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6396.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6396 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Smith - 1.

Excused: Senators Bender, Hayner, McDonald - 3.

SENATE BILL NO. 6396, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6561, by Senators Newhouse, Madsen, Barr, Warnke and Amondson

Exempting recreational horse trailers from commercial driver's license requirements.

The bill was read the second time.

MOTION

On motion of Senator Patterson, Senate Bill No. 6561 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6561.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6561 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Bender, Hayner, McDonald - 3.

SENATE BILL NO. 6561, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5366, by Committee on Transportation (originally sponsored by Senators Nelson and Bender) (by request of Legislative Transportation Committee)

Revising administration of public transit authorities.

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

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5366.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5366 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Hayner - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5366, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5594, by Committee on Health Care and Corrections (originally sponsored by Senators Nelson, West, Wojahn, Smith, Newhouse, Conner, Niemi and Sutherland)

Allowing prescriptions to be filled across state borders.

The bill was read the second time.

MOTION

On motion of Senator Nelson, Substitute Senate Bill No. 5594 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5594.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5594 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Hayner - 1.

SUBSTITUTE SENATE BILL NO. 5594, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5712, by Senator Kreidler

Changing provisions relating to the environmental hearings office.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, Senate Bill No. 5712 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5712.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5712 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Hayner - 1.

SENATE BILL NO. 5712, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6165, by Senators Newhouse, Warnke and Rasmussen

Changing provisions relating to pro tempore service by retired judges.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6165 was substituted for Senate Bill No. 6165 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, Substitute Senate Bill No. 6165 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6165.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6165 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 6165, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 6726.

On motion of Senator Newhouse, Senate Bill No. 6726 was referred to the Committee on Rules.

MOTION

At 10:00 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 10:32 a.m. by President Pro Tempore Bluechel.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 6547, by Senators Newhouse, Benitz, McDonald, Anderson, Sellar, Barr, Patterson, Hayner, Smith, Johnson, Talmadge, Hansen, Niemi, Stratton, Gaspard, Patrick, Amondson and Bailey

Providing funding for local criminal justice programs.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6547 was substituted for Senate Bill No. 6547 and the substitute bill was placed on second reading and read the second time.

Senator Fleming moved that the following amendments by Senators Fleming, Talmadge, Vognild, Smitherman, Niemi, Moore, Gaspard, Wojahn, Stratton, Warnke, Rinehart, Owen, Williams and Rasmussen be considered simultaneously and be adopted:

On page 2, line 15, after "equal to" strike "seven and fifty-three" and insert "nine and sixty-four"

On page 5, line 8, after "(2)" strike "The" and insert "Seventy-eight percent of the"

On page 5, beginning on line 32, strike all of subsection (3) and insert the following:

"(3) Twenty-two percent shall be distributed to the cities of the state ratably on the basis of population as last determined by the office of financial management.

(4) Moneys distributed under subsections (2) and (3) of this section shall be expended exclusively for criminal justice purposes. Within thirty days following the close of the county's fiscal year, the county shall report to the state auditor the expenditures made under subsections (2) and (3) of this section."

Debate ensued.

Senator Vognild demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Fleming, Talmadge, Vognild, Smitherman, Niemi, Moore, Gaspard, Wojahn, Stratton, Warnke, Rinehart, Owen, Williams and Rasmussen on page 2, line 15, and page 5, line 8 and beginning on line 32, to Substitute Senate Bill No. 6547.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patrick, Patterson, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 25.

MOTION

Senator McMullen moved that the following amendments by Senators McMullen, Talmadge and Niemi be considered simultaneously and be adopted:

On page 2, line 15, after "equal to" strike "seven and fifty-three" and insert "nine and ninety-four"

On page 5, line 8, after "(2)" strike "The" and insert "Seventy-six percent of the"

On page 5, beginning on line 32, strike all of subsection (3) and insert the following:

"(3)(a) Twenty-four percent shall be distributed to the department of community development to be used to pay one-half of prosecuting attorney salaries pursuant to RCW 36.17.020 and the remainder shall be distributed to the counties and cities of the state as discretionary grants. The discretionary grants may be awarded to those jurisdictions that have documented a particular criminal justice problem that requires an immediate particular response for that jurisdiction. The grants may be awarded to only those applicants who demonstrate innovative approaches in resolving the identified criminal justice problem and who clearly lack the fiscal capacity to solve the problem without state assistance.

Moneys distributed under this subsection shall not be used to supplant preexisting funding sources and may be used for purposes of limited capital costs as may be necessary for the completion of the innovative projects.

The department of community development in conjunction with the criminal justice coordinating council shall adopt rules governing the distribution, use, and periodic audit of the moneys distributed under this subsection and develop criteria for awarding grants under this section. The award criteria shall include the following:

(i) Prior submission of a criminal justice plan that describes existing criminal justice activities, current resource allocation, projected criminal justice needs, and projected resource allocation, and documents the need for such funding. The creation and submission of the local criminal justice plan will assist the legislature in identifying and assessing problems within the criminal justice system that occur at the local level and exceed local fiscal capacity;

(ii) There must be evidence of community-wide participation in preparation of the proposal;

(iii) There must be evidence of additional local resources committed to the proposed action or program; and

(iv) There must be an assurance that the funds applied for, if received, would not be used to replace funding for existing activities.

(b) Greater consideration of funding shall be given to those projects that utilize multijurisdictional approaches, including coordination of efforts among jurisdictions, in addressing particular problems.

(c) The criminal justice coordinating council is established to assist the department of community development in providing technical expertise and guidance in the development of the plans and grant proposals and to assist in selecting which discretionary grant applications that will be funded. The criminal justice coordinating council consists of the following individuals:

(i) The secretary of the department of corrections or the secretary's designee;

(ii) The chief of the Washington state patrol, or the chief's designee;

(iii) A representative from the sentencing guidelines commission;

(iv) A representative from the Washington association of sheriffs and police chiefs;

(v) A representative from the Washington association of prosecuting attorneys;

(vi) The director of the department of community development or the director's designee;

(vii) A representative from the Washington association of cities;

(viii) A representative from the Washington association of counties;

(ix) A superior court judge nominated by the superior court judges association; and

(x) A district court judge nominated by the Washington magistrates' association.

(4) Moneys distributed under subsections (2) and (3) of this section shall be expended exclusively for criminal justice purposes. Within thirty days following the close of the county's fiscal year, the county shall report to the state auditor the expenditures made under subsections (2) and (3) of this section."

On page 8, after line 10, insert the following:

"Sec. 6. Section 36.17.020, chapter 4, Laws of 1963 as last amended by section 2, chapter 88, Laws of 1973 1st ex. sess. and RCW 36.17.020 are each amended to read as follows:

(1) The salaries of the following county officers of class A counties and counties of the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth classes, as determined by the last preceding federal census, or as may be determined under the provisions of RCW 36.13.020 to 36.13.075, inclusive, shall be per annum respectively as follows:

Class A counties: Auditor, sixteen thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen thousand dollars; sheriff, seventeen thousand seven hundred dollars; assessor, sixteen thousand dollars; prosecuting attorney, twenty-two thousand five hundred dollars; members of board of county commissioners, seventeen thousand seven hundred dollars; coroner, fifteen thousand dollars;

Counties of the first class: Auditor, fourteen thousand five hundred dollars; clerk, fourteen thousand five hundred dollars; treasurer, fourteen thousand five hundred dollars; sheriff, sixteen thousand dollars; assessor, fourteen thousand five hundred dollars; prosecuting attorney, twenty-two thousand five hundred dollars; members of board of county commissioners, sixteen thousand dollars; coroner, eight thousand dollars;

Counties of the second class: Auditor, thirteen thousand five hundred dollars; clerk, thirteen thousand five hundred dollars; treasurer, thirteen thousand five hundred dollars; sheriff, thirteen thousand five hundred dollars; assessor, thirteen thousand five hundred dollars; prosecuting attorney, twenty-one thousand five hundred dollars; members of board of county commissioners, thirteen thousand five hundred dollars; coroner, five thousand dollars;

Counties of the third class: Auditor, twelve thousand five hundred dollars; clerk, twelve thousand five hundred dollars; treasurer, twelve thousand five hundred dollars; assessor, twelve thousand five hundred dollars; sheriff, twelve thousand five hundred dollars; prosecuting attorney, twenty-one thousand five hundred dollars; members of the board of county commissioners, twelve thousand five hundred dollars; coroner, three thousand six hundred dollars;

Counties of the fourth class: Auditor, eleven thousand dollars; clerk, eleven thousand dollars; treasurer, eleven thousand dollars; assessor, eleven thousand dollars; sheriff, eleven thousand dollars; prosecuting attorney, in such a county in which there is no state university, thirteen thousand dollars; prosecuting attorney, in such a county in which there is a state university or college, fifteen thousand dollars; members of the board of county commissioners, ten thousand dollars;

Counties of the fifth class: Auditor, nine thousand one hundred fifty dollars; clerk, nine thousand one hundred fifty dollars; treasurer, nine thousand one hundred fifty dollars; sheriff,

ten thousand two hundred dollars; assessor, nine thousand one hundred fifty dollars; prosecuting attorney, twelve thousand dollars; members of the board of county commissioners, eight thousand five hundred dollars;

Counties of the sixth class: Auditor, nine thousand one hundred fifty dollars; clerk, nine thousand one hundred fifty dollars; treasurer, nine thousand one hundred fifty dollars; assessor, nine thousand one hundred fifty dollars; sheriff, ten thousand two hundred dollars; prosecuting attorney, nine thousand dollars; members of the board of county commissioners, six thousand four hundred dollars;

Counties of the seventh class: Auditor, eight thousand three hundred dollars; clerk, eight thousand three hundred dollars; treasurer, eight thousand three hundred dollars; assessor, eight thousand three hundred dollars; sheriff, nine thousand five hundred dollars; prosecuting attorney, nine thousand dollars; members of the board of county commissioners, five thousand nine hundred fifty dollars;

Counties of the eighth class: Auditor, eight thousand three hundred dollars; clerk, eight thousand three hundred dollars; treasurer, eight thousand three hundred dollars; assessor, eight thousand three hundred dollars; sheriff, nine thousand five hundred dollars; prosecuting attorney, nine thousand dollars; members of board of county commissioners, five thousand nine hundred fifty dollars;

Counties of the ninth class: Auditor-clerk, seven thousand four hundred fifty dollars; sheriff, eight thousand five hundred dollars; treasurer-assessor, seven thousand four hundred fifty dollars; prosecuting attorney, nine thousand dollars; members of the board of county commissioners, five thousand five hundred dollars.

(2) The salaries of the following county officers in counties with a population over five hundred thousand shall be per annum respectively as follows: Auditor, clerk, treasurer, sheriff, members of board of county commissioners, coroners, eighteen thousand dollars; assessor, nineteen thousand dollars; and prosecuting attorney, twenty-seven thousand five hundred dollars.

Beginning January 1, 1974:

The salaries of the following county officers of class AA and A counties and counties of the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth classes, as determined by the last preceding federal census, or as may be determined under the provisions of RCW 36.13.020 to 36.13.075, inclusive, shall be per annum respectively as follows:

Class AA counties: Prosecuting attorney, thirty thousand three hundred dollars;

Class A counties: Auditor, seventeen thousand six hundred dollars; clerk, seventeen thousand six hundred dollars; treasurer, seventeen thousand six hundred dollars; sheriff, nineteen thousand five hundred dollars; assessor, seventeen thousand six hundred dollars; prosecuting attorney, twenty-four thousand eight hundred dollars; members of board of county commissioners, nineteen thousand five hundred dollars; coroner, sixteen thousand five hundred dollars;

Counties of the first class: Auditor, sixteen thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen thousand dollars; sheriff, seventeen thousand six hundred dollars; assessor, sixteen thousand dollars; prosecuting attorney, twenty-four thousand eight hundred dollars; members of board of county commissioners, seventeen thousand six hundred dollars; coroner, eight thousand eight hundred dollars;

Counties of the second class: Auditor, fourteen thousand nine hundred dollars; clerk, fourteen thousand nine hundred dollars; treasurer, fourteen thousand nine hundred dollars; assessor, fourteen thousand nine hundred dollars; sheriff, fourteen thousand nine hundred dollars; prosecuting attorney, twenty-three thousand seven hundred dollars; members of the board of county commissioners, fourteen thousand nine hundred dollars; coroner, five thousand five hundred dollars;

Counties of the third class: Auditor, thirteen thousand eight hundred dollars; clerk, thirteen thousand eight hundred dollars; treasurer, thirteen thousand eight hundred dollars; assessor, thirteen thousand eight hundred dollars; sheriff, thirteen thousand eight hundred dollars; prosecuting attorney, twenty-three thousand seven hundred dollars; members of the board of county commissioners, thirteen thousand eight hundred dollars; coroner, four thousand dollars;

Counties of the fourth class: Auditor, twelve thousand one hundred dollars; clerk, twelve thousand one hundred dollars; treasurer, twelve thousand one hundred dollars; sheriff, twelve thousand one hundred dollars; assessor, twelve thousand one hundred dollars; prosecuting attorney in such a county in which there is no state university or college, fourteen thousand three hundred dollars; in such a county in which there is a state university or college, sixteen thousand five hundred dollars; members of the board of county commissioners, eleven thousand dollars;

Counties of the fifth class: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; prosecuting attorney, thirteen thousand two hundred dollars; members of the board of county commissioners, nine thousand four hundred dollars;

Counties of the sixth class: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; members of the board of county commissioners, seven thousand dollars;

Counties of the seventh class: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; assessor, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; members of board of county commissioners, six thousand five hundred dollars;

Counties of the eighth class: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; assessor, nine thousand one hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; members of the board of county commissioners, six thousand five hundred dollars;

Counties of the ninth class: Auditor-clerk, eight thousand two hundred dollars; treasurer-assessor, eight thousand two hundred dollars; sheriff, nine thousand four hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; members of the board of county commissioners, six thousand one hundred dollars.

The county legislative authority of such county is authorized to increase or decrease the salary of any official below the amount which such official was receiving on January 1, 1973.

~~((One-half of))~~ The salary of each prosecuting attorney shall be paid by the state. One-half of such salaries shall be paid from the general fund, and one-half shall be paid from the local government criminal justice assistance account created in section 2 of this act.

NEW SECTION, Sec. 7. The sum of eight million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the local government criminal justice account to the department of community development for the purposes stated in section 2(3) of this act."

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

MOTION

Senator McMullen moved that the following amendment to the amendments be adopted:

On page 13, line 14, after "state" insert "provided that such payment by the state shall not exceed ninety percent of the salary of a superior court judge"

POINT OF INQUIRY

Senator Newhouse: "Senator McMullen, I understand that the County Legislative Authority sets the level of salaries of these officials and in many counties--the small counties--it is not really a full time job and yet you would allow the county officials to set that salary at ninety percent of the level of the Superior Court Judge and the state would have to pick up the tab. Is that the proper interpretation of your amendment?"

Senator McMullen: "Yes, Senator Newhouse, and if I might explain. Your discussion goes primarily to the main amendment itself. The purpose of this amendment that we are discussing at this moment--in the main amendment, the state would now pay half of the elected prosecutors salaries and then would pay all the elected prosecutors salaries as set by the local county level. The purpose of this amendment is to say that no more than ninety percent of the Superior Court Judge salary will the state pay for."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator McMullen on page 13, line 14, to the amendments by Senators McMullen, Talmadge and Niemi on page 2, line 15; page 5, line 8 and beginning on line 32; and page 8, after line 10; to Substitute Senate Bill No. 6547.

The motion by Senator McMullen failed and the amendment to the amendments was not adopted.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators McMullen, Talmadge and Niemi on page 2, line 15; page 5, line 8 and beginning on line 32; and page 8, after line 10; to the Substitute Senate Bill No. 6547.

Debate ensued.

Senator Vognild demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senators McMullen, Talmadge and Niemi on page 2, line 15; page 5, line 8 and beginning on line 32; and page 8, after line 10; to Substitute Senate Bill No. 6547.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patrick, Patterson, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 25.

MOTION

On motion of Senator Newhouse, Substitute Senate Bill No. 6547 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6547.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6547 and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senators Conner, McMullen, Nelson, Vognild - 4.

SUBSTITUTE SENATE BILL NO. 6547, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6180, by Senators West, Kreidler, Sellar, von Reichbauer, Johnson and Newhouse (by request of Washington Basic Health Plan)

Providing confidentiality for certain basic health plan records and data.

The bill was read the second time.

MOTION

On motion of Senator West, Senate Bill No. 6180 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6180.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6180 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

SENATE BILL NO. 6180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6195, by Senators Kreidler and Moore

Prohibiting the use of live animals to train hunting, tracking or fighting animals.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 6195 was substituted for Senate Bill No. 6195 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, Substitute Senate Bill No. 6195 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Moore: "Senator Metcalf, do I understand, under the Substitute Bill, that anything except cats and dogs can be used?"

Senator Metcalf: "Well, the bill applies--or the restriction applies to domesticated cats and dogs. That is what the bill deals with."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6195.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6195 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Absent: Senator Barr - 1.

SUBSTITUTE SENATE BILL NO. 6195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6201, by Senators Lee and Rasmussen (by request of Attorney General)

Changing regulation of health studio services.

The bill was read the second time.

MOTION

On motion of Senator Lee, Senate Bill No. 6201 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6201.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6201 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

SENATE BILL NO. 6201, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:01 p.m., on motion of Senator Nelson, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:34 p.m. by President Pro Tempore Bluechel.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9150, Grace Y. Chien, as a member of the Higher Education Personnel Board, was confirmed.

APPOINTMENT OF GRACE Y. CHIEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; absent, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senators Matson, Smitherman, Vognild - 3.

SECOND READING

SENATE BILL NO. 6210, by Senators Saling, Kreidler and Johnson

Amending sunset provisions for radiologic technologists.

The bill was read the second time.

MOTION

On motion of Senator Saling, Senate Bill No. 6210 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6210.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6210 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Absent: Senator Vognild - 1.

SENATE BILL NO. 6210, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6250, by Senators Owen, Metcalf, Amondson, Sutherland, Conner, DeJarnatt, Stratton, Warnke, Bauer, Bender and Kreidler

Providing complimentary fishing licenses.

The bill was read the second time.

MOTION

Senator Owen moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that the Goodwill Games that will be held in the summer of 1990 in Washington state are an international event with the potential to improve the relations of mankind on a global scale. To further the spirit of goodwill the legislature wishes to provide an opportunity to the participating athletes to fish recreationally in Washington state waters by authorizing a procedure for complimentary fishing.

NEW SECTION. Sec. 2. The director of fisheries shall grant authorization, by rule, for any athlete who has been granted Goodwill Games participant credentials to use those credentials in lieu of a fishing license for the period of July 15, 1990, through August 15, 1990.

NEW SECTION. Sec. 3. The director of wildlife shall grant authorization, by rule, for any athlete who has been granted Goodwill Games participant credentials to use those credentials in lieu of a fishing license for the period of July 15, 1990, through August 15, 1990.

POINT OF INQUIRY

Senator Rasmussen: "Senator Owen, I think this is an excellent proposal. The question I have is that these are visitors from out of our country. No. 1, will they be allowed to fish as they do in their native country or will they have to fish by our rules?"

Senator Owen: "They will have to comply with all of our rules."

Senator Rasmussen: "The second question has to do with barbless hooks. Most of these countries, in fact, all of them that I know of don't require barbless hooks. We recently had a case--last summer--when a Department of Fisheries enforcement agent descended on a tourist boat and they fined the skipper two thousand dollars and fined each one of the people fishing with barbed hooks, five hundred dollars. There were tourists that were here--were guests in the state of Washington. I guess it wouldn't have taken very much to haul them off to jail and I'm wondering if maybe we should have an amendment saying that they may fish with the same type of tackle that they are used to in their native country. The reason that I'm asking that, I'd hate to have our Fisheries Department go again down there and sock them with five hundred dollar fines."

Senator Owen: "If you are asking me if I think that we should do that, the answer is, 'No, I don't think that we should do that.' It might create a few problems with the bill and cause it to slow down and disappear. They'll have to comply with all the rules that we have to comply with."

Senator Rasmussen: "This could be worse than the use of steroids as far as good will. I'll talk to the House and see if we can get an amendment adopted."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to the adoption of the striking amendment by Senator Owen to Senate Bill No. 6250.

The motion by Senator Owen carried and the striking amendment was adopted.

MOTION

On motion of Senator Metcalf, Engrossed Senate Bill No. 6250 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTIONS

On motion of Senator Bauer, Senator Vognild was excused.

On motion of Senator Anderson, Senator Matson was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6250.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6250 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Matson, Vognild - 2.

ENGROSSED SENATE BILL NO. 6250, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6267, by Senators Moore, Nelson, Wojahn, Amondson, Johnson, Smith, Matson, Bauer and Niemi

Changing provisions regulating occupational therapy.

The bill was read the second time.

MOTION

On motion of Senator West, Senate Bill No. 6267 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6267.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6267 and the bill passed the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams - 44.

Absent: Senators Conner, Warnke, Wojahn - 3.

Excused: Senators Matson, Vognild - 2.

SENATE BILL NO. 6267, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senators Conner and Owen were excused.

SECOND READING

SENATE BILL NO. 6289, by Senator Barr (by request of Department of Agriculture)

Providing the director of agriculture with organizational flexibility.

MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 6289 was substituted for Senate Bill No. 6289 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, Substitute Senate Bill No. 6289 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6289.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6289 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Conner, Matson, Owen - 3.

SUBSTITUTE SENATE BILL NO. 6289, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6296, by Senators Vognild, Patterson, Nelson, Warnke, Bender, Bauer, Murray, Hansen, Rasmussen, Smitherman, Niemi, Smith, von Reichbauer and Sutherland

Allowing transfer of license plates from a destroyed vehicle to a replacement vehicle.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 6296 was substituted for Senate Bill No. 6296 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, Substitute Senate Bill No. 6296 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6296.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6296 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting ye: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Conner, Matson, Owen - 3.

SUBSTITUTE SENATE BILL NO. 6296, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6328, by Senators McCaslin and Sutherland

Changing requirements for state agency use of credit reporting agencies.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, Senate Bill No. 6328 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6328.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6328 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting ye: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Conner, Matson, Owen - 3.

SENATE BILL NO. 6328, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Craswell assumed the Chair.

SECOND READING

SENATE BILL NO. 6335, by Senators Metcalf, Sutherland, Smith and Kreidler

Making it unlawful to operate certain commercial vessels in a negligent manner.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, Senate Bill No. 6335 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6335.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6335 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Conner, Matson, Owen - 3.

SENATE BILL NO. 6335, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6353, by Senators Barr and Hansen (by request of Department of Agriculture)

Revising provisions for the horticultural pest and disease board.

The bill was read the second time.

MOTION

On motion of Senator Barr, Senate Bill No. 6353 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6353.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6353 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Conner, Matson, Owen - 3.

SENATE BILL NO. 6353, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

February 5, 1990

SB 6038 Prime Sponsor, Senator Matson: Establishing a search and rescue fund.
Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1990

SB 6639 Prime Sponsor, Senator McDonald: Authorizing a real estate excise tax for the acquisition of conservation areas. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6639 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Bailey, Bluechel, Fleming, Johnson, Lee, Moore, Niemi, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1990

SB 6859 Prime Sponsor, Senator McDonald: Clarifying the tax status of computer software. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6859 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Owen, Saling, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1990

SJM 8018 Prime Sponsor, Senator Conner: Requesting congress to pass legislation concerning taxation of pensions. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Gaspard, Hayner, Johnson, Lee, Newhouse, Owen, Saling, Williams.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 5, 1990

GA 9009 RUTH V. COFFIN, appointed July 5, 1988, for a term ending June 16, 1992, as a member of the Commission on Judicial Conduct. Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman, Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules.

February 5, 1990

GA 9019 NANCYHELEN FISCHER, appointed July 16, 1987, for a term ending June 16, 1991, as a member of the Commission on Judicial Conduct. Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman, Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules.

February 5, 1990

GA 9127 DOUGLAS L. TRUE, appointed March 23, 1989, for a term ending December 31, 1993, as a member of the Public Disclosure Commission. Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman, Hayner, Madsen, Newhouse, Niemi, Rasmussen, Rinehart, Thorsness.

Passed to Committee on Rules.

February 5, 1990

GA 9156 ARTHUR D. CURTIS, reappointed August 22, 1989, for a term ending August 2, 1992, as a member of the Sentencing Guidelines Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman, Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules.

February 5, 1990

GA 9160 RUTA E. FANNING, appointed August 22, 1989, for a term ending August 2, 1992, as a member of the Sentencing Guidelines Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman, Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules.

February 5, 1990

GA 9173 MARCUS M. KELLY, appointed August 22, 1989, for a term ending August 2, 1992, as a member of the Sentencing Guidelines Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman, Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules.

February 5, 1990

GA 9196 K. COLLINS SPRAGUE, appointed August 29, 1989, for a term ending June 16, 1993, as an alternate member of the Commission on Judicial Conduct.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman, Hayner, Madsen, Newhouse, Niemi, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules.

February 5, 1990

GA 9201 JUDGE DONALD H. THOMPSON, reappointed August 22, 1989, for a term ending August 2, 1992, as a member of the Sentencing Guidelines Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman, Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules.

MOTION

At 2:31 p.m., on motion of Senator Newhouse, the Senate recessed until 6:00 p.m.

The Senate was called to order at 7:26 p.m., by Senator Newhouse.

CORRECTED COPY

REPORTS OF STANDING COMMITTEES

February 6, 1990

SB 5007 Prime Sponsor, Senator Lee: Establishing the international marketing internship program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5007 be substituted therefor, and the second substitute bill do pass. Signed by Senators Bailey, Bauer, Cantu, Fleming, Gaspard, Hayner, Moore, Newhouse, Niemi, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 5083 Prime Sponsor, Senator Smith: Clarifying appropriate instruction in braille for blind students. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5083 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Newhouse, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1990

SB 5463 Prime Sponsor, Senator McDonald: Regarding building fees for higher education. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5463 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bluechel, Cantu, Hayner, Johnson, Lee, Matson, Newhouse, Niemi, Owen.

MINORITY recommendation: That it not be substituted. Signed by Senators Bauer, Fleming, Gaspard, Talmadge, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 6, 1990

SSB 5547 Prime Sponsor, Committee on Health Care and Corrections: Regarding payment of jail processing costs by criminal defendants. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 5550 Prime Sponsor, Senator Lee: Providing a procedure for the classification and valuation of property devoted primarily to low-income housing. Reported by Committee on Ways and Means

MAJORITY recommendation: That Third Substitute Senate Bill No. 5550 be substituted therefor, and the third substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Niemi, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 5845 Prime Sponsor, Senator Bailey: Increasing steelhead trout production. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5845 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer,

Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6086 Prime Sponsor, Senator Vognild: Allowing retirement credit for prior service. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Johnson, Lee, Moore, Newhouse, Niemi, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6193 Prime Sponsor, Senator Saling: Including middle and junior high school students in the mathematics, engineering, and science achievement program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6193 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6202 Prime Sponsor, Senator Lee: Establishing an international trade office in Toronto. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6202 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Bailey, Bluechel, Cantu, Fleming, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6216 Prime Sponsor, Senator Saling: Creating the Washington community college exceptional faculty awards program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6216 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6221 Prime Sponsor, Senator Gaspard: Creating the high school and beyond assessment program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6221, as recommended by Committee on Education, be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Smith, Talmadge, Williams.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6230 Prime Sponsor, Senator Talmadge: Authorizing funds for grants to preserve historic community theaters. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6230 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Saling, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6234 Prime Sponsor, Senator von Reichbauer: Changing safety requirements for colleges and universities. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6234, as recommended by Committee on Higher Education, be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Newhouse, Saling, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6274 Prime Sponsor, Senator West: Establishing regional health promotion and disease prevention districts. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6274 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1990

SB 6310 Prime Sponsor, Senator Metcalf: Providing a funding mechanism for regional fisheries enhancement groups. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6310 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6326 Prime Sponsor, Senator Owen: Authorizing a southern Puget Sound water quality program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6326 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6329 Prime Sponsor, Senator Newhouse: Clarifying business and occupation taxation of travel charter and tour operators. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6329 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Saling, Smith, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6418 Prime Sponsor, Senator Barr: Expanding rural health care opportunities. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6418 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6428 Prime Sponsor, Senator Talmadge: Restricting the use of chlorofluorocarbons. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6428 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Johnson, Lee, Moore, Niemi, Saling, Smith, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6433 Prime Sponsor, Senator von Reichbauer: Exempting insurance agents, brokers, and solicitors from the business and occupation tax. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6440 Prime Sponsor, Senator von Reichbauer: Providing amnesty and tax credits for insurance agents, brokers, and solicitors. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6440 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6492 Prime Sponsor, Senator Smith: Establishing the adoption support reconsideration program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6492 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6516 Prime Sponsor, Senator Bailey: Providing for child care services for homeless families. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6516 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6537 Prime Sponsor, Senator Smith: Providing for foster care reform and making appropriations. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6537 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6538 Prime Sponsor, Senator Smith: Pertaining to termination of parental rights. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6538 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6546 Prime Sponsor, Senator Lee: Changing provisions relating to employment policies. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6546 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Newhouse, Niemi, Smith, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6562 Prime Sponsor, Senator Craswell: Creating additional superior court positions in Kitsap and Thurston counties. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Newhouse, Niemi, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6585 Prime Sponsor, Senator Metcalf: Including mussels and clams as enhanced food fish for tax purposes. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6585, as recommended by Committee on Environment and Natural Resources, be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Newhouse, Niemi, Saling, Smith, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1990

SB 6594 Prime Sponsor, Senator Johnson: Changing provisions relating to the department of retirement systems. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6594 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu,

Fleming, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Owen, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1990

SB 6600 Prime Sponsor, Senator Gaspard: Modifying contribution rates to the state retirement systems. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6600 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Owen, Saling, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6610 Prime Sponsor, Senator Craswell: Revising provisions for at-risk youth. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6610 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Hayner, Johnson, Lee, Saling, Smith.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6653 Prime Sponsor, Senator Kreidler: Clarifying provisions relating to excise taxation of core deposits. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Newhouse, Niemi, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6731 Prime Sponsor, Senator McCaslin: Including absentee ballots in state-wide election abstracts. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6731 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6734 Prime Sponsor, Senator Wojahn: Improving administration of historical activities and programs. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6734 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Niemi, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6767 Prime Sponsor, Senator Niemi: Creating a juvenile justice review commission. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6767 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer,

Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Newhouse, Niemi, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6779 Prime Sponsor, Senator Barr: Providing for regional water resource planning. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6779 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Newhouse, Niemi, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6780 Prime Sponsor, Senator Newhouse: Establishing farmworker housing inspection procedures and standards. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6780 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Newhouse, Niemi, Saling, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6789 Prime Sponsor, Senator Smith: Creating a department of children, youth, and families. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6789 as recommended by Committee on Children and Family Services be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Amondson, Bailey, Cantu, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6822 Prime Sponsor, Senator Bluechel: Exempting small timber harvesters from business and occupation tax. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Williams.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6832 Prime Sponsor, Senator Nelson: Authorizing a study of the state's juvenile rehabilitation system. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6832 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Newhouse, Niemi, Saling, Talmadge, William, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

ESB 6834 Prime Sponsor, Senator Sellar: Establishing a basic health care plan for small business employees. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6834 be substituted therefor and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Newhouse, Saling, Smith.

Passed to Committee on Rules for second reading.

February 6, 1990

ESB 6874 Prime Sponsor, Senator Benitz: Modifying property tax deferrals and exemptions. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Fleming, Hayner, Johnson, Lee, Newhouse, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SB 6890 Prime Sponsor, Senator McCaslin: Changing provisions relating to purchasing services by contract. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Johnson, Matson, Newhouse, Saling, Smith.

MINORITY recommendation: Do not pass. Signed by Senators Bauer, Fleming, Gaspard, Lee, Moore, Niemi, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SJR 8212 Prime Sponsor, Senator Lee: Amending the Constitution to allow property devoted to low-income housing to be taxed based on its current use value. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Joint Resolution No. 8212 be substituted therefor, and the second substitute joint resolution do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Niemi, Saling, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1990

SJR 8239 Prime Sponsor, Senator Hayner: Limiting the purposes for which trust funds may be invested. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Johnson, Newhouse, Saling, Smith.

Passed to Committee on Rules for second reading.

MOTION

At 7:27 p.m., on motion of Senator Hayner, the Senate adjourned until 9:00 a.m., Wednesday, February 7, 1990.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

THIRTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 7, 1990

The Senate was called to order at 9:00 a.m. by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Amondson, Fleming, Kreidler, Madsen, Niemi, Owen, Saling, Stratton and West. On motion of Senator Warnke, Senators Fleming, Kreidler, Madsen, Niemi and Owen were excused. On motion of Senator Anderson, Senators Amondson, Saling, Stratton and West were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jon Lambert and Kevin Everson, presented the Colors. Senator Stan Johnson offered the prayer.

MOTION

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

STATEMENT FOR THE JOURNAL

TO: Gordon Golob, Secretary of the Senate
 FROM: Senator Nita Rinehart
 Senator Patty Murray
 Senator Marc Gaspard
 Senator George Fleming
 Senator Al Bauer
 Senator Rick Bender

Please remove our names from sponsorship of Senate Bill No. 6864. We signed the bill assuming we would have the opportunity to amend and improve the bill. That opportunity did not occur. Since we do not support the bill in its present form and there will be no opportunity to amend the bill, we would like to have our names deleted from the list of sponsors.

We also request that this memorandum be made part of the Senate Journal.

EDITOR'S NOTE: Senate Bill No. 6864 was on the Introduction and First Reading Calendar, the twenty-fifth day, February 1, 1990.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Thorsness, Gubernatorial Appointment No. 9146, Dan E. Boyd, as a member of the Marine Employee's Commission, was confirmed.

APPOINTMENT OF DAN E. BOYD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Patrick, Patterson, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 40.

Excused: Senators Amondson, Fleming, Kreidler, Madsen, Niemi, Owen, Saling, Stratton, West - 9.

SECOND READING

SENATE BILL NO. 6362, by Senators Hansen, Patterson, Madsen, Nelson and Benitz

Providing for certificates of ownership for snowmobiles.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 6362 was substituted for Senate Bill No. 6362 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, Substitute Senate Bill No. 6362 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6362.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6362 and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senator Matson - 1.

Excused: Senators Amondson, Fleming, Madsen, Niemi, Owen - 5.

SUBSTITUTE SENATE BILL NO. 6362, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6356, by Senators West and Kreidler (by request of Health Care Authority)

Amending health care authority provisions.

The bill was read the second time.

MOTION

On motion of Senator West, Senate Bill No. 6356 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6356.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6356 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Amondson, Madsen, Niemi, Owen - 4.

SENATE BILL NO. 6356, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6389, by Senators Nelson, Talmadge and Newhouse

Revising the Washington business corporation act.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6389 was substituted for Senate Bill No. 6389 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the following amendment by Senators Nelson and Talmadge was adopted:

On page 6, beginning on line 1, strike all of section 5
 Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Nelson moved that the following amendment by Senators Nelson and Talmadge be adopted:

On page 11, after line 2, insert the following:

*Sec. 11. Section 59, chapter 165, Laws of 1989 and RCW 23B.06.400 are each amended to read as follows:

(1) A board of directors may authorize and the corporation may make distributions to its shareholders subject to restriction by the articles of incorporation and the limitation in subsection (2) of this section.

(2) No distribution may be made if, after giving it effect:

(a) The corporation would not be able to pay its debts as they become due in the usual course of business; or

(b) The corporation's total assets would be less than the sum of its total liabilities plus, unless the articles of incorporation permit otherwise, the amount that would be needed, if the corporation were to be dissolved at the time of the distribution, to satisfy the preferential rights upon dissolution of shareholders whose preferential rights are superior to those receiving the distribution.

(3) For purposes of determinations under subsection (2) of this section:

(a) The board of directors may base a determination that a distribution is not prohibited under subsection (2) of this section either on financial statements prepared on the basis of accounting practices and principles that are reasonable in the circumstances or on a fair valuation or other method that is reasonable in the circumstances; and

(b) Indebtedness of a corporation, including indebtedness issued as a distribution, is not considered a liability if its terms provide that payment of principal and interest are made only if and to the extent that payment of a distribution to shareholders could then be made under this section.

(4) The effect of a distribution under subsection ~~((3)(b))~~ (2) of this section is measured:

(a) In the case of a distribution of indebtedness, the terms of which provide that payment of principal and interest are made only if and to the extent that payment of a distribution to shareholders could then be made under this section, each payment of principal or interest is treated as a distribution, the effect of which is measured on the date the payment is actually made; or

(b) In the case of any other distribution:

(i) If the distribution is by purchase, redemption, or other acquisition of the corporation's shares, the effect of the distribution is measured as of the earlier of the date any money or other property is transferred or debt incurred by the corporation, or the date the shareholder ceases to be a shareholder with respect to the acquired shares;

(ii) If the distribution is of indebtedness other than that described in subsection (4) (a) and (b)(i) of this section, the effect of the distribution is measured as of the date the indebtedness is distributed; and

(iii) In all other cases, the effect of the distribution is measured as of the date the distribution is authorized if payment occurs within one hundred twenty days after the date of authorization, or the date the payment is made if it occurs more than one hundred twenty days after the date of authorization.

(5) A corporation's indebtedness to a shareholder incurred by reason of a distribution made in accordance with this section is at parity with the corporation's indebtedness to its general, unsecured creditors except to the extent provided otherwise by agreement.

(6) In circumstances to which this section and related sections of this title are applicable, such provisions supersede the applicability of any other statutes of this state with respect to the legality of distributions.

Sec. 12. Section 75, chapter 165, Laws of 1989 and RCW 23B.07.270 are each amended to read as follows:

(1) The articles of incorporation may provide for a greater or lesser quorum, but not less than one-third of the votes entitled to be cast, for shareholders, or voting groups of shareholders, than is provided for by this title.

(2) The articles of incorporation may provide for a greater voting requirement for shareholders, or voting groups of shareholders, than is provided for by this title.

(3) Under RCW 23B.10.030, 23B.11.030, 23B.12.020, and 23B.14.020, the articles of incorporation may provide for a lesser vote than is otherwise prescribed in those sections or for a lesser vote by separate voting groups, so long as the vote provided for each voting group entitled to vote separately on the plan or transaction is not less than a majority of all the votes entitled to be cast on the plan or transaction by that voting group.

(4) Except as provided in subsection (5) of this section, an amendment to the articles of incorporation that adds, changes, or deletes a greater or lesser quorum or voting requirement for a particular corporate action must meet the same quorum requirement and be adopted by

the same vote and voting groups required to take action under the quorum and voting requirements then in effect for the corporate action.

(5) An amendment to the articles of incorporation that adds, changes, or deletes a greater or lesser quorum or voting requirement for a merger, share exchange, sale of substantially all assets, or dissolution must be adopted by the same vote and voting groups required to take action under the quorum and voting requirements then in effect for the particular corporate action, or the quorum and voting requirements then in effect for amendments to articles of incorporation, whichever is greater.

Sec. 13. Section 138, chapter 165, Laws of 1989 and RCW 23B.12.010 are each amended to read as follows:

(1) A corporation may on the terms and conditions and for the consideration determined by the board of directors:

(a) Sell, lease, exchange, or otherwise dispose of all, or substantially all, of its property in the usual and regular course of business; or

(b) Mortgage, pledge, dedicate to the repayment of indebtedness, whether with or without recourse, or otherwise encumber any or all of its property whether or not in the usual and regular course of business.

(2) Unless the articles of incorporation require it, approval by the shareholders of a transaction described in subsection (1) of this section is not required.

Renumber the sections consecutively.

POINT OF INQUIRY

Senator Talmadge: "Senator Nelson, just to be certain, the Legislature, several years ago, placed in law the requirement that there be a two-thirds approval to certain kinds of activity such as major mergers and acquisitions and so forth. This was authorized to the share-holders and corporation to insist upon in order to give them some protection from outfits that are attempting to acquire that corporation. Does the amendment that we have before us, in any way, alter that pattern?"

Senator Nelson: "No."

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Nelson and Talmadge on page 11, after line 2, to Substitute Senate Bill No. 6389.

The motion by Senator Nelson carried and the amendment was adopted.

MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, at the beginning of line 3 of the title, strike "23B.10.030," and after "23B.15.020," strike "and" and on line 4, after "23B.15.300" and before the semicolon insert ", 23B.06.400, 23B-.07.270, and 23B.12.010"

On motion of Senator Nelson, Engrossed Substitute Senate Bill No. 6389 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Anderson, Senator Matson was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6389.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6389 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Amondson, Madsen, Matson, Niemi, Owen - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6389, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator West: "Mr. President, I'd like to rise to a point of personal privilege. This is highly unusual and I know the members aren't suppose to recognize people in the gallery, but I just sent, to one of the young ladies in the gallery, a proposal for marriage and she accepted. I wish Ginger Marshall would stand."

INTRODUCTION OF SPECIAL GUEST

The President Pro Tempore introduced Miss Ginger Marshall, fiancée of Senator Jim West, who joined with Senator West at the rostrum.

SECOND READING

SENATE BILL NO. 6391, by Senators Nelson, Talmadge and Newhouse

Correcting internal revenue code references in the estate and transfer tax statutes.

The bill was read the second time.

MOTION

On motion of Senator Nelson, Senate Bill No. 6391 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6391.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6391 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Amondson, Madsen, Matson, Niemi, Owen - 5.

SENATE BILL NO. 6391, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6393, by Senators Nelson, Talmadge and Newhouse

Exempting certain retirement benefits from execution, attachment, garnishment, or seizure.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6393 was substituted for Senate Bill No. 6393 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, Substitute Senate Bill No. 6393 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6393.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6393 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Amondson, Madsen, Matson, Niemi, Owen - 5.

SUBSTITUTE SENATE BILL NO. 6393, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6394, by Senators Nelson, Talmadge and Newhouse

Modifying provisions regarding escheat property and small estates.

The bill was read the second time.

MOTION

On motion of Senator Nelson, Senate Bill No. 6394 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6394.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6394 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Madsen, Niemi - 2.

SENATE BILL NO. 6394, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6395, by Senators Nelson, Talmadge and Newhouse

Correcting obsolete inheritance tax references.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6395 was substituted for Senate Bill No. 6395 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, Substitute Senate Bill No. 6395 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6395.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6395 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Madsen, Niemi - 2.

SUBSTITUTE SENATE BILL NO. 6395, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6467, by Senators Talmadge, Nelson and Vognild

Adding second degree arson as basis for first degree murder in certain cases.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6467 was substituted for Senate Bill No. 6467 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, Substitute Senate Bill No. 6467 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6467.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6467 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Madsen, Niemi - 2.

SUBSTITUTE SENATE BILL NO. 6467, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6470, by Senators Williams, Lee and Rasmussen (by request of Department of Labor and Industries)

Regarding construction lien laws.

The bill was read the second time.

MOTION

On motion of Senator Lee, Senate Bill No. 6470 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6470.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6470 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Madsen, Niemi - 2.

SENATE BILL NO. 6470, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUEST

The President Pro Tempore turned the gavel over to Senator McMullen who introduced the Washington State Dairy Princess, Shelly Erickson, of Burlington, and the Alternate Dairy Princess, Jami De Jong, of Zillah, who were seated on the rostrum.

With permission of the Senate, business was suspended to permit Princess Shelly to address the Senate.

Senator McMullen returned the gavel to the President Pro Tempore.

The President Pro Tempore turned the gavel over to Senator Anderson who introduced the 1990 Washington Dairy Family of the Year, the Stremler Family, of Lynden, who were seated in the back of the Chamber.

Senator Anderson also introduced additional dairy industry leaders who were seated in the gallery.

Senator Anderson returned the gavel to the President Pro Tempore.

SECOND READING

SENATE BILL NO. 6827, by Senators Benitz, Kreidler, Bluechel, Madsen, Amondson, Anderson, Warnke and Saling

Studying state-wide 911.

MOTIONS

On motion of Senator Benitz, Substitute Senate Bill No. 6827 was substituted for Senate Bill No. 6827 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benitz, Substitute Senate Bill No. 6827 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6827.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6827 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Madsen, Niemi - 2.

SUBSTITUTE SENATE BILL NO. 6827, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6253, by Senators Patterson, McCaslin, Matson, Hayner, Amondson, Rasmussen and Barr

Providing a method to evaluate whether a "taking" has occurred.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, Senate Bill No. 6253 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6253.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6253 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Madsen, Niemi - 2.

SENATE BILL NO. 6253, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6668, by Senators Newhouse, Talmadge, Patrick and von Reichbauer (by request of Department of Labor and Industries)

Amending crime victims' compensation provisions.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6668 was substituted for Senate Bill No. 6668 and the substitute bill was placed on second reading and read the second time.

Senator McMullen moved that the following amendment be adopted:

On page 3, after line 9, strike all of New Sections 2 and 3 and insert the following:

"NEW SECTION, Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

Senator Vognild demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senator McMullen on page 3, after line 9, to Substitute Senate Bill No. 6668.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patrick, Patterson, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 25.

Excused: Senator Madsen - 1.

MOTION

On motion of Senator Newhouse, Substitute Senate Bill No. 6668 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6668.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6668 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Madsen - 1.

SUBSTITUTE SENATE BILL NO. 6668, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6626, by Senators Conner, Barr, Saling, Benitz and DeJarnatt

Requiring an assessment of higher education needs of placebound students.

MOTIONS

On motion of Senator Saling, Substitute Senate Bill No. 6626 was substituted for Senate Bill No. 6626 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Saling, Substitute Senate Bill No. 6626 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6626.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6626 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Madsen - 1.

SUBSTITUTE SENATE BILL NO. 6626, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Craswell assumed the Chair.

SECOND READING

SENATE JOINT RESOLUTION NO. 8231, by Senators Wojahn, Warnke, Stratton, Sutherland, Vognild, Moore, Rasmussen, Bauer and Patrick

Allowing video testimony of children under ten years of age who are sexual abuse victims.

The joint resolution was read the second time.

MOTION

On motion of Senator Nelson, Senate Joint Resolution No. 8231 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Joint Resolution No. 8231.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8231 and the joint resolution passed the Senate by the following vote: Yeas, 38; nays, 10; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 38.

Voting nay: Senators Conner, DeJarnatt, Kreidler, McMullen, Moore, Murray, Niemi, Rinehart, Talmadge, Williams - 10.

Excused: Senator Madsen - 1.

SENATE JOINT RESOLUTION NO. 8231, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5637, by Senators Anderson, Rasmussen, Metcalf and Craswell

Changing powers and duties of the state board of education.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5637 was substituted for Senate Bill No. 5637 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the following amendment by Senators Bailey and Anderson was adopted:

On page 6, line 9, after "1987" insert ", section 2, chapter 29, Laws of 1989"

Senator Murray moved that the following amendment by Senators Murray, Rinehart, Vognild and Rasmussen be adopted:

On page 5, after line 9, insert the following:

*Sec. 5. Section 204, chapter 2, Laws of 1987 1st ex. sess. as last amended by section 1, chapter 16, Laws of 1989 1st ex. sess. and RCW 28A.41.112 are each amended to read as follows:

(1) The legislature shall establish for each school year in the appropriations act a state-wide salary allocation schedule, for allocation purposes only, to be used to distribute funds for basic education certificated instructional staff salaries under RCW 28A.41.140.

(2) The superintendent of public instruction shall calculate salary allocations for state funded basic education certificated instructional staff by determining the district average salary for basic education instructional staff using the salary allocation schedule established pursuant to this section. However, no district shall receive an allocation based upon an average basic education certificated instructional staff salary which is less than the average of the district's 1986-87 actual basic education certificated instructional staff salaries, as reported to the superintendent of public instruction prior to June 1, 1987, and the legislature may grant minimum salary increases on that base: PROVIDED, That the superintendent of public instruction may adjust this allocation based upon the education and experience of the district's certificated instructional staff.

(3) Beginning January 1, 1992, ~~((no more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in the biennial appropriations act, or any replacement schedules and documents, unless:~~

~~(a) The employee has a masters degree; or~~

~~(b) The credits were used in generating state salary allocations before January 1, 1992)) the compensation allocations under the state salary allocation schedule and LEAP documents referenced in the biennial appropriations act, or any replacement schedules and documents shall provide that persons with the same experience but having higher degrees shall be compensated at higher rates than persons with lower degrees and the same experience. Nothing in this subsection shall be used to reduce the compensation of persons whose credits are used in generating state salary allocations."~~

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

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Murray, Rinehart, Vognild and Rasmussen on page 5, after line 9, to Substitute Senate Bill No. 5637.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; nays, 25; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 22.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patrick, Patterson, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 25.

Absent: Senator Stratton - 1.

Excused: Senator Madsen - 1.

MOTION

On motion of Senator Bailey, Engrossed Substitute Senate Bill No. 5637 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Bender, Senator Stratton was excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5637.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5637 and the bill passed the Senate by the following vote: Yeas, 28; nays, 19; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West, Wojahn - 28.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, McMullen, Moore, Murray, Niemi, Rinehart, Smitherman, Sutherland, Talmadge, Vognild, Warnke, Williams - 19.

Excused: Senators Madsen, Stratton - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5637, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6168, by Senator Lee

Revising provisions for prevailing rates for apprentice workers.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 6168 was substituted for Senate Bill No. 6168 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, Substitute Senate Bill No. 6168 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Vognild: "I notice that the Chairman of the Ways and Means Committee is just coming on the floor and I would like to ask if he would explain to me why this bill was exempt from the otherwise rigid rule of a \$50,000 impact it must go through the Ways and Means Committee. The fiscal note is \$75,668 for a year and a \$465,124 six-year projection."

Senator McDonald: "Well, Senator Vognild, this is the first time that it has been brought to my attention. I think that it is not a rigid rule, as you know, and as you reminded me when you were on the Rules Committee that it is only a yardstick, one that you measured against and on occasions decided it ought to go. The plain facts of the matter are, Senator Vognild, that the consensus of the Ways and Means Committee right now is that this bill would be dead and I don't think that is an issue that ought to be given that kind of treatment, so if that is what your notion was I would think that would not be a good idea."

Senator Vognild: "Well, thank you, Senator McDonald. I have observed on the floor that it has been a pretty rigid rule."

Further debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6168.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6168 and the bill passed the Senate by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patrick, Paterson, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 25.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Excused: Senator Madsen - 1.

SUBSTITUTE SENATE BILL NO. 6168, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:06 p.m., on motion of Senator Newhouse, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:30 p.m. by President Pro Tempore Bluechel.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9167, H. A. "Barney" Goltz, as a member of the State Board for Community College Education, was confirmed.

Senators Warnke and Vognild spoke to the confirmation of H. A. "Barney" Goltz as a member of the State Board for Community College Education.

APPOINTMENT OF H. A. "BARNEY" GOLTZ

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; absent, 6; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Murray, Newhouse, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senators Benitz, Matson, Moore, Nelson, Patterson, Talmadge - 6.

Excused: Senator Madsen - 1.

MOTIONS

On motion of Senator Bender, Senator Talmadge was excused.

On motion of Senator Anderson, Senators Matson and Metcalf were excused.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9152, David L. Cohn, as a member of the Board of Regents for the University of Washington, was confirmed.

Senators von Reichbauer and Conner spoke to the confirmation of David L. Cohn as a member of the Board of Regents for the University of Washington.

APPOINTMENT OF DAVID L. COHN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Moore, Murray, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Nelson - 1.

Excused: Senators Madsen, Matson, Metcalf, Talmadge - 4.

SECOND READING

SENATE BILL NO. 6488, by Senators Rinehart, Nelson, Talmadge, Murray, Moore, Niemi and Warnke

Regulating personal watercraft.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6488 was substituted for Senate Bill No. 6488 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the following amendment by Senators Rinehart and Nelson was adopted:

On page 3, line 9, after "within" strike "one hundred feet of a swimmer or another vessel" and insert "fifty yards of a designated swimming area"

On motion of Senator Newhouse, Engrossed Substitute Senate Bill No. 6488 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Anderson, Senator Nelson was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6488.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6488 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Moore, Murray, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Madsen, Matson, Metcalf, Nelson, Talmadge - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6488, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

February 7, 1990

Because I was participating in the informal conference committee on the sexual predator bill, I missed the votes on GA 9151, GA 9167 and Engrossed Substitute Senate Bill No. 6488. I would have voted 'aye' on each.

SENATOR PHIL TALMADGE, 34th District

SECOND READING

SENATE BILL NO. 6738, by Senators Bauer, Bailey, Saling, Lee, Rinehart and Sutherland

Establishing the summer motivation and academic residential training program.

The bill was read the second time.

MOTIONS

On motion of Senator Saling, the following amendment by Senators Saling, Bauer and McDonald was adopted:

On page 5, after line 17, insert the following:

"NEW SECTION, Sec. 14. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void."

On motion of Senator Saling, the following title amendment was adopted:

On page 1, line 3 of the title, after "RCW;" insert "creating a new section."

MOTION

On motion of Senator Saling, Engrossed Senate Bill No. 6738 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6738.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6738 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Madsen, Matson, Metcalf - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6738, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6295, by Senators Matson, Vognild, Newhouse, Warnke, Barr, Hansen, Lee, Patrick, Nelson, McMullen, Saling, Anderson, West, Bauer, Johnson and Sutherland

Regulating business relationships between manufacturers and distributors of agriculture equipment and independent retail dealers.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6295 was substituted for Senate Bill No. 6295 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Newhouse, Substitute Senate Bill No. 6295 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6295.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6295 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Madsen, Matson, Metcalf - 3.

SUBSTITUTE SENATE BILL NO. 6295, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6031, by Senators Nelson, Rasmussen, Talmadge and von Reichbauer

Establishing voter registration availability with driver's licensing.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6031 was substituted for Senate Bill No. 6031 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, Substitute Senate Bill No. 6031 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Nelson, I asked earlier about the fiscal note on this particular bill. There has to be some cost involved to the Department of Licensing when they become engaged in this kind of enterprise. Do you have that fiscal note yet--what those charges are?"

Senator Nelson: "Senator Patterson, it has been estimated that the transactional costs of having any one of the sixty-two drivers license facilities, in the state, carry out the voter registration is approximately fifty to sixty cents per transaction, so that the fiscal note is really not determined very accurately, because we don't know how many people will, in fact, take advantage of this particular need. Two years ago, when we had this measure, we were looking at some \$380,000 or something in the way of a fiscal note. I believe that the Department of Licensing and the Secretary of State will be working to drive those costs down by the implementation of the data base--to be talking to one another--the one dealing with voter registration that we have today and the one dealing with personal drivers licenses, so we do not have what might be the long-term fiscal note on this bill."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6031.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6031 and the bill passed the Senate by the following vote: Yeas, 41; nays, 6; excused, 2.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 41.

Voting nay: Senators Amondson, Barr, Benitz, Cantu, McCaslin, Newhouse - 6.

Excused: Senators Madsen, Matson - 2.

SUBSTITUTE SENATE BILL NO. 6031, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6426, by Senators Cantu, Bender, Patterson and McDonald

Designating state route number 901 a scenic highway.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 6426 was substituted for Senate Bill No. 6426 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, Substitute Senate Bill No. 6426 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6426.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6426 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Madsen, Matson - 2.

SUBSTITUTE SENATE BILL NO. 6426, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6251, by Senators Rasmussen, Patterson, Saling, Thorsness, Wojahn, Bender, Conner and Kreidler

Revising requirements for special license plates for prisoners of war spouses.

The bill was read the second time.

MOTION

On motion of Senator Patterson, Senate Bill No. 6251 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6251.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6251 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Madsen, Matson - 2.

SENATE BILL NO. 6251, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Craswell assumed the Chair.

SECOND READING

SENATE BILL NO. 6243, by Senators Warnke, Smitherman and Rasmussen

Clarifying the tax exemption for property owned by veterans' organizations.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6243 was substituted for Senate Bill No. 6243 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, Substitute Senate Bill No. 6243 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6243.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6243 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Barr - 1.

Excused: Senators Madsen, Matson - 2.

SUBSTITUTE SENATE BILL NO. 6243, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senators Amondson and Barr were excused.

SECOND READING

SENATE BILL NO. 6344, by Senators Niemi, Bailey, West, Vognild, McMullen, Wojahn and Smith

Revising provisions for regional support networks.

The bill was read the second time.

MOTION

On motion of Senator West, Senate Bill No. 6344 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6344.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6344 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Amondson, Barr, Madsen, Matson - 4.

SENATE BILL NO. 6344, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6802, by Senators Sellar, Vognild, Benitz, Bailey and McCaslin

Changing provisions relating to reduced utility rates for low income disabled citizens.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, Senate Bill No. 6802 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6802.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6802 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Barr, Madsen, Matson - 3.

SENATE BILL NO. 6802, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Warnke was excused.

SECOND READING

SENATE BILL NO. 6761, by Senators Newhouse and Barr (by request of Employment Security Department)

Revising the implementation date for voluntary combined reporting for agricultural employers.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, Senate Bill No. 6761 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6761.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6761 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Barr, Madsen, Matson, Warnke - 4.

SENATE BILL NO. 6761, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE NO. 6697, by Senator DeJarnatt

Ordering a study of the need for a second bridge over the Columbia at Longview.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 6697 was substituted for Senate Bill No. 6697 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, Substitute Senate Bill No. 6697 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued:

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6697.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6697 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Barr, Madsen, Matson - 3.

SUBSTITUTE SENATE BILL NO. 6697, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6649, by Senators Conner, Hansen and Bauer

Clarifying the status of Adopt-a-Highway signs.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 6649 was substituted for Senate Bill No. 6649 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Conner, the following amendment was adopted:

On page 6, after line 35, insert the following:

"NEW SECTION, Sec. 3. Local government legislative authorities may enact local "adopt-a-highway sign" programs which are not inconsistent with state or federal law."

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 1 of the title, strike "and" and on line 2 after "47.42.040" insert "; and creating a new section"

MOTION

On motion of Senator Patterson, Engrossed Substitute Senate Bill No. 6649 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6649.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6649 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Barr, Madsen, Matson - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6649, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6445, by Senators Rasmussen, Niemi, Warnke, Newhouse, Wojahn, Murray, Williams and Talmadge

Changing provisions relating to the law enforcement officers' and fire fighters' retirement system.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6445 was substituted for Senate Bill No. 6445 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, Substitute Senate Bill No. 6445 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6445.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6445 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Barr, Madsen, Matson - 3.

SUBSTITUTE SENATE BILL NO. 6445, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6880, by Senators Rinehart, McCaslin and Niemi

Limiting the disclosure of business and residential locations.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 6880 was substituted for Senate Bill No. 6880 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, Substitute Senate Bill No. 6880 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6880.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6880 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Madsen, Matson - 2.

SUBSTITUTE SENATE BILL NO. 6880, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the Chair.

SECOND READING

SENATE BILL NO. 6179, by Senators Newhouse, Rasmussen and Barr

Granting a local government option regarding administration of flood plain regulations.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, Senate Bill No. 6179 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6179.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6179 and the bill passed the Senate by the following vote: Yeas, 30; nays, 17; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hansen, Hayner, Johnson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Stratton, Thorsness, Vognild, von Reichbauer, Warnke, West - 30.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Kreidler, Lee, Moore, Murray, Niemi, Rinehart, Smitherman, Sutherland, Talmadge, Williams, Wojahn - 17.

Excused: Senators Madsen, Matson - 2.

SENATE BILL NO. 6179, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5900, by Senator Anderson

Establishing a procedure to expand the electorate of water and sewer districts.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, Senate Bill No. 5900 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5900.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5900 and the bill passed the Senate by the following vote: Yeas, 30; nays, 17; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Hansen, Hayner, Johnson, Lee, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 30.

Voting nay: Senators Bauer, Bender, Fleming, Gaspard, Kreidler, Moore, Murray, Niemi, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 17.

Excused: Senators Madsen, Matson - 2.

SENATE BILL NO. 5900, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the corrected copy of the Reports of Standing Committees for the thirtieth day, February 6, 1990, read in at 7:26 p.m. was approved.

EDITOR'S NOTE: Due to an administrative error, Senate Bill No. 6234 was not included in the Reports of the Standing Committees read in at 7:26 p.m., February 6, 1990. The corrected copy of the Reports of Standing Committees for that time includes Senate Bill No. 6234.

MOTION

At 3:32 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Thursday, February 8, 1990.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

THIRTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 8, 1990

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Hansen, Matson, Moore, Talmadge and West. On motion of Senator Warnke, Senator Hansen was excused. On motion of Senator Anderson, Senator Matson was excused.

The Sergeant at Arms Color Guard, consisting of Pages Robert Allen and Paul Harmon, presented the Colors. The Reverend Bishop Lowell Knutson, Lutheran Bishop for the Northwest Washington Synod of Seattle, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

February 7, 1990

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 2376,

ENGROSSED HOUSE BILL NO. 2456,

ENGROSSED HOUSE BILL NO. 2460,

ENGROSSED HOUSE BILL NO. 2510,

ENGROSSED HOUSE BILL NO. 2514,

ENGROSSED HOUSE BILL NO. 2832, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 6, 1990

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1280,

SUBSTITUTE HOUSE BILL NO. 1465,

SUBSTITUTE HOUSE BILL NO. 1521,

REENGROSSED HOUSE BILL NO. 1579,

SECOND SUBSTITUTE HOUSE BILL NO. 1911,

HOUSE BILL NO. 2253,

ENGROSSED HOUSE BILL NO. 2261,

HOUSE BILL NO. 2265,

HOUSE BILL NO. 2266,

HOUSE BILL NO. 2272,

SUBSTITUTE HOUSE BILL NO. 2279,

ENGROSSED HOUSE BILL NO. 2289,

HOUSE BILL NO. 2290,

ENGROSSED HOUSE BILL NO. 2291,

SUBSTITUTE HOUSE BILL NO. 2296,

ENGROSSED HOUSE BILL NO. 2299,

HOUSE BILL NO. 2300,

HOUSE BILL NO. 2306,

HOUSE BILL NO. 2311,

SUBSTITUTE HOUSE BILL NO. 2320,

SUBSTITUTE HOUSE BILL NO. 2337,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2344,

HOUSE BILL NO. 2345,

ENGROSSED HOUSE BILL NO. 2386,

HOUSE BILL NO. 2394.

SUBSTITUTE HOUSE BILL NO. 2402,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2409,
 HOUSE BILL NO. 2411,
 SUBSTITUTE HOUSE BILL NO. 2416,
 HOUSE BILL NO. 2417,
 HOUSE BILL NO. 2424,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2430,
 HOUSE BILL NO. 2444,
 SUBSTITUTE HOUSE BILL NO. 2446,
 HOUSE BILL NO. 2469,
 ENGROSSED HOUSE BILL NO. 2472,
 HOUSE BILL NO. 2492,
 HOUSE BILL NO. 2497,
 ENGROSSED HOUSE BILL NO. 2499,
 HOUSE BILL NO. 2502,
 HOUSE BILL NO. 2508,
 HOUSE BILL NO. 2526,
 HOUSE BILL NO. 2527,
 HOUSE BILL NO. 2537,
 HOUSE BILL NO. 2546,
 HOUSE BILL NO. 2550,
 HOUSE BILL NO. 2555,
 ENGROSSED HOUSE BILL NO. 2561,
 HOUSE BILL NO. 2562,
 SUBSTITUTE HOUSE BILL NO. 2576,
 SUBSTITUTE HOUSE BILL NO. 2591,
 SUBSTITUTE HOUSE BILL NO. 2609,
 ENGROSSED HOUSE BILL NO. 2714,
 SUBSTITUTE HOUSE BILL NO. 2789,
 ENGROSSED HOUSE BILL NO. 2797, and the same are herewith transmitted.
 ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6893 by Senators Conner and von Reichbauer

AN ACT Relating to the elimination of certain solid waste collection tax contingencies; and amending RCW 82.18.100.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1280 by Committee on Natural Resources and Parks (originally sponsored by Representatives R. King, Belcher, Beck, Basich, S. Wilson, Sayan, P. King and Jacobsen) (by request of Joint Select Committee on Marine and Ocean Resources)

Modifying requirements of marine geologic explorations.

Referred to Committee on Environment and Natural Resources.

SHB 1465 by Committee on Transportation (originally sponsored by Representatives R. Meyers, Schmidt, Walk, Heavey, D. Sommers, Cooper, Jones and Betrozoff) (by request of Legislative Transportation Committee)

Making technical corrections in driver and vehicle licensing laws.

Referred to Committee on Transportation.

SHB 1521 by Committee on Human Services (originally sponsored by Representatives Leonard, Moyer, Hargrove, Ferguson, Wineberry, Winsley, Anderson, P. King, Brekke, Cole, Raiter, Scott, Prentice and Spanel)

Considering minority and ethnic heritage factors in adoption and foster care placement.

Referred to Committee on Children and Family Services.

REHB 1579 by Representatives R. Fisher, McLean, Holland, Silver, H. Sommers, Anderson and Winsley (by request of Office of Financial Management)

Allowing state agencies to charge interest on debts.

Referred to Committee on Ways and Means.

2SHB 1911 by Committee on Local Government (originally sponsored by Representatives Cooper, Ferguson, Nutley, Haugen and Raiter)

Revising and adding provisions on special districts.

Referred to Committee on Governmental Operations.

HB 2253 by Representatives Spanel, Jacobsen, Wineberry, Wang, Prentice, Vekich, Braddock and Brekke

Repealing exemption from the state minimum wage for students at institutions of higher education.

Referred to Committee on Economic Development and Labor.

EHB 2261 by Representatives Silver, Prince, Ballard, Youngsman, May, K. Wilson and P. King

Making it a misdemeanor to require recording of a credit card number for check cashing purpose.

Referred to Committee on Financial Institutions and Insurance.

HB 2265 by Representatives Holland, Peery, Horn, Jones, Brumsickle, Rayburn, Schoon, Phillips, Rasmussen, Dorn, Walker, G. Fisher, Valle, P. King, K. Wilson, Wolfe, Wineberry, Ferguson, Padden, Leonard, Todd, Van Luven, Nealey, Doty, Dellwo, McLean, Bowman, Morris, Smith, Tate, Hine, Youngsman, Forner, Kremen, Cooper, Betrozoff, Pruitt, Basich and Miller

Expanding the excellence in education program to include classified staff.

Referred to Committee on Education.

HB 2266 by Representatives Braddock, Brooks, Ballard, Jacobsen, May, Wolfe, Anderson, Van Luven, D. Sommers, Crane, Brumsickle and Wood (by request of Washington Basic Health Plan)

Providing confidentiality for certain basic health plan records and data.

Referred to Committee on Health and Long-Term Care.

HB 2272 by Representatives Leonard, Padden, Todd, Winsley, Anderson, Nutley, Ballard, Rector, May, Inslee, Wolfe, Prentice, D. Sommers, Crane and Wood

Changing provisions relating to mobile home landlords.

Referred to Committee on Economic Development and Labor.

SHB 2279 by Committee on Local Government (originally sponsored by Representatives Haugen, Nealey, Ferguson and Jones)

Providing county reimbursement for selected transportation of human remains.

Referred to Committee on Governmental Operations.

EHB 2289 by Representatives Sayan, R. King, Bowman, Haugen, Morris, Brumsickle, Brooks, Spanel, Basich, Smith, Jacobsen, Wineberry, Anderson, Wang, Vekich, Dellwo and P. King (by request of Department of Fisheries)

Increasing the reimbursements for Washington conservation corps members.

Referred to Committee on Economic Development and Labor.

HB 2290 by Representatives Haugen, R. King, Bowman, Sayan, Basich, Brumsickle, Brooks, Morris, Spanel, S. Wilson, R. Meyers and Cole (by request of Department of Fisheries)

Regarding establishment of emerging commercial fisheries.

Referred to Committee on Environmental and Natural Resources.

EHB 2291 by Representatives Spanel, Bowman, R. King, Haugen, Brumsickle, Sayan, Basich, Brooks, Morris, S. Wilson and Vekich (by request of Department of Fisheries)

Regarding sea cucumber commercial fishing.

Referred to Committee on Environment and Natural Resources.

SHB 2296 by Committee on Commerce and Labor (originally sponsored by Representatives Cole, Smith, Vekich, Prince, Leonard, Chandler, Walker, Prentice, Jones, R. King, Jacobsen, McLean, Wolfe and Kirby)

Regulating business relationships between manufacturers and distributors of agriculture equipment and independent retail dealers.

Referred to Committee on Economic Development and Labor.

EHB 2299 by Representatives Crane, Jacobsen, Todd, Heavey, Brekke, P. King and Phillips

Regulating telefacsimile messages for commercial solicitation.

Referred to Committee on Energy and Utilities.

HB 2300 by Representatives Crane, Inslee, Todd, Wineberry, Fraser and Jones

Changing provisions relating to orders for protection and antiharassment orders.

Referred to Committee on Law and Justice.

HB 2306 by Representative P. King

Retaining county clerk responsibility for summoning jurors.

Referred to Committee on Law and Justice.

HB 2311 by Representatives H. Sommers, Schoon and Rasmussen (by request of State Treasurer)

Reinstating the state fire service training center bond retirement fund.

Referred to Committee on Ways and Means.

SHB 2320 by Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson, Spanel, Kremen, Raiter, Cooper, Rasmussen and Dorn)

Changing provisions relating to financing of flood control projects.

Referred to Committee on Governmental Operations.

SHB 2337 by Committee on Commerce and Labor (originally sponsored by Representatives Cole, Walker, Vekich, Prentice, Ferguson, P. King, Rector and Winsley)

Permitting private collective bargaining sessions by public bodies.

Referred to Committee on Governmental Operations.

ESHB 2344 by Committee on Revenue (originally sponsored by Representatives Wang, Holland, Horn, Grant, Schoon, Van Luven and Phillips) (by request of Department of Revenue)

Requiring electronic transfer of funds for certain large tax payments.

Referred to Committee on Ways and Means.

- HB 2345 by Representatives Basich, Holland, Haugen, Wang, Horn, R. King and Hargrove (by request of Department of Revenue)
Changing enhanced food fish tax remittance requirements.
Referred to Committee on Ways and Means.
- EHB 2376 by Representatives Betzoff, Dorn, Peery, Brumsickle, Walker, Schoon, Winsley and P. King
Establishing provisions for fraudulent reports of continuing education credits.
Referred to Committee on Education.
- EHB 2386 by Representatives Ballard, R. Fisher, McLean, Wolfe, Miller, Forner and Horn
Clarifying the status of temporary permit fees paid to vehicle dealers.
Referred to Committee on Transportation.
- HB 2394 by Representatives Day, Morris, Rector, Silver, D. Sommers, Braddock, Prentice, Moyer and Dellwo
Modifying requirements for prescription forms for out-of-state practitioners.
Referred to Committee on Health and Long-Term Care.
- SHB 2402 by Committee on State Government (originally sponsored by Representatives Rector, Betzoff, Dellwo, R. Meyers, Belcher, Miller, Brekke, Hankins, Hine, Cooper, H. Myers, Crane, Fraser, Peery, Heavey, Todd, Valle, Braddock, Winsley, Anderson, Pruitt, Holland, Van Luven, Brough, Wang, Wineberry, Kremen and Ferguson)
Revising the leave sharing program to include sick leave.
Referred to Committee on Ways and Means.
- ESHB 2409 by Committee on Local Government (originally sponsored by Representatives Haugen, Brough and Ferguson)
Changing provisions relating to municipal incorporation proceedings.
Referred to Committee on Governmental Operations.
- HB 2411 by Representatives Braddock, Brooks and Prentice (by request of Health Care Authority)
Amending health care authority provisions.
Referred to Committee on Health and Long-Term Care.
- SHB 2416 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dellwo, Chandler, Zellinsky, Anderson, Nutley and Winsley) (by request of Insurance Commissioner)
Changing multiple insurance statutes.
Referred to Committee on Financial Institutions and Insurance.
- HB 2417 by Representatives Dellwo, Chandler, Zellinsky, Anderson, Nutley, Winsley, Crane, Inslee, Kremen and R. Meyers (by request of Insurance Commissioner)
Regarding the cancellation of insurance.
Referred to Committee on Financial Institutions and Insurance.
- HB 2424 by Representatives Ballard, Wang, Holland, Pruitt, Horn, Morris, Silver, Basich, Brumsickle, Rust, Miller, Rasmussen, Wood, Fraser, Bowman, Todd, Wolfe, Leonard, Youngsman, G. Fisher, Forner, Van Luven, Jacobsen, Betzoff, Beck, Winsley, Fuhrman, Rayburn, Sprenkle, P. King, Heavey, Inslee, Crane, Kirby, Smith, R. Fisher, Rector, Hankins, Doty, Jones, Tate, Dellwo, Ebersole, Zellinsky, May, Brooks,

Kremen, R. Meyers, Phillips, Ferguson, K. Wilson, Spanel and McLean

Directing a study to define taxpayer rights and responsibilities.

Referred to Committee on Ways and Means.

ESHB 2430 by Committee on Commerce and Labor (originally sponsored by Representatives P. King, Vekich, Walker, Prentice, Winsley, Jones and Kremen) (by request of Attorney General)

Revising provisions for motor vehicle warranties.

Referred to Committee on Economic Development and Labor.

HB 2444 by Representatives Kirby, Nealey, Haugen, Smith, Ballard, Rayburn and Jones

Authorizing irrigation districts to establish consolidated local improvement districts.

Referred to Committee on Agriculture.

SHB 2446 by Committee on Housing (originally sponsored by Representatives Winsley, Padden, Nutley and Wolfe)

Changing provisions relating to public housing authorities.

Referred to Committee on Economic Development and Labor.

EHB 2456 by Representatives Locke, Crane, Padden, H. Myers, Brough, Winsley, Rector, Dellwo, Kremen, O'Brien and P. King

Pertaining to mental condition defenses.

Referred to Committee on Law and Justice.

EHB 2460 by Representatives Inslee, Padden, Raiter, Appelwick, R. Meyers, Moyer, Rayburn, Hargrove, Rector, Dorn, H. Myers, Grant, Anderson, Jesernig, Van Luven, Wood, Jones, Zellinsky, R. King, Kremen, Crane and Kirby

Establishing civil docket priority for parties over seventy years of age or terminally ill.

Referred to Committee on Law and Justice.

HB 2469 by Representatives Braddock and Prentice

Regarding limited medical licenses for University of Washington programs.

Referred to Committee on Health and Long-Term Care.

EHB 2472 by Representatives Cole, Smith, Prentice, Leonard, R. King, Walker, O'Brien, Winsley, Ferguson and Wang

Making changes in liquor administration.

Referred to Committee on Economic Development and Labor.

HB 2492 by Representatives Appelwick, Van Luven, Ferguson, H. Sommers, Leonard, Crane, Miller, O'Brien, Cole, May, Anderson, Betrozoff, Wineberry and P. King

Authorizing the appointment of district court judges as pro tempore judges in cities over 400,000 population.

Referred to Committee on Law and Justice.

HB 2497 by Representatives Jones, Smith, Vekich, Walker, Prentice, Wolfe, R. King, Winsley and Rector (by Department of Labor and Industries)

Processing disputed industrial insurance claims.

Referred to Committee on Economic Development and Labor.

- EHB 2499 by Representatives Prentice, Walker, Vekich and Winsley (by request of Department of Labor and Industries)
Changing notice and withhold requirements when industrial insurance taxes are in arrears.
Referred to Committee on Economic Development and Labor.
- HB 2502 by Representatives Cole, Walker and Leonard (by request of Department of Labor and Industries)
Regarding construction lien laws.
Referred to Committee on Economic Development and Labor.
- HB 2508 by Representatives Vekich, Smith, Cole, Beck, Jones, Ferguson, Jacobsen and Holland
Revising provisions for pasteurization in relation to licenses for the sale of beer.
Referred to Committee on Economic Development and Labor.
- EHB 2510 by Representatives Cole, Wolfe, Jones, Leonard, Prentice and Winsley (by request of Department of Labor and Industries)
Revising procedures relating to violation of industrial welfare laws.
Referred to Committee on Economic Development and Labor.
- EHB 2514 by Representatives Walker, Rust, Pruitt, D. Sommers, Phillips, Fraser, Brekke, G. Fisher, Jacobsen, Scott, Leonard, Valle, Betrozoff, Bowman, Winsley, Wineberry, Tate, May, Ferguson and Wolfe
Establishing a state-wide adopt-a-highway litter control program.
Referred to Committee on Transportation.
- HB 2526 by Representatives Jacobsen, Miller, Nelson and May (by request of Washington Utilities and Transportation Commission)
Revising provisions for registration of telecommunication companies.
Referred to Committee on Energy and Utilities.
- HB 2527 by Representatives Jacobsen, Miller and Nelson (by request of Washington Utilities and Transportation Commission)
Revising due dates for payment of regulatory fees.
Referred to Committee on Energy and Utilities.
- HB 2537 by Representatives Cooper, Ferguson and Nutley
Changing the term "salary" to "compensation" for public utility district employees.
Referred to Committee on Governmental Operations.
- HB 2546 by Representatives Phillips, Hankins, Nelson, May, R. Meyers, Miller, Jacobsen, Brooks, Todd, Anderson, Jesernig and Jones
Renewing the Washington telephone assistance program.
Referred to Committee on Energy and Utilities.
- HB 2550 by Representatives R. Fisher, McLean, Horn, R. King, Anderson, Todd and Wood
Changing provisions relating to the appointment of precinct election officers.
Referred to Committee on Governmental Operations.
- HB 2555 by Representatives Rayburn, Nealey, McLean and Rasmussen (by request of Department of Agriculture)
Repealing the Washington Animal Remedy Act.
Referred to Committee on Agriculture.

EHB 2561 by Representatives P. King, Schoon and Crane (by request of Law Revision Commission)

Changing provisions relating to replevin.

Referred to Committee on Law and Justice.

HB 2562 by Representatives P. King, Schoon and Crane (by request of Law Revision Commission)

Updating the repeal of hospital commission statutes.

Referred to Committee on Health and Long-Term Care.

SHB 2576 by Committee on Fisheries and Wildlife (originally sponsored by Representatives R. King, S. Wilson, Bowman, Haugen and Jacobsen) (by request of Department of Wildlife)

Updating and revising certain statutes regarding the department of wildlife.

Referred to Committee on Environment and Natural Resources.

SHB 2591 by Committee on Higher Education (originally sponsored by Representatives Wood, Jacobsen, McLean, Miller, Fraser, Bowman, Cooper, Beck, Zellinsky, Ferguson, Kremen, Scott, Cole, H. Myers, Raiter, Cantwell, P. King, Crane, Winsley, Van Luven and Hankins)

Authorizing honorary degrees.

Referred to Committee on Higher Education.

SHB 2609 by Committee on Revenue (originally sponsored by Representatives Ferguson, Rust, Dellwo, Wang, P. King and McLean) (by request of Pollution Liability Reinsurance Agency)

Revising provisions for the Washington pollution liability insurance program.

Referred to Committee on Financial Institutions and Insurance.

EHB 2714 by Representatives Padden, Appelwick, Fuhrman, Bowman, Kremen, Wolfe, Moyer, Horn, Tate and Miller

Concerning execution dates.

Referred to Committee on Law and Justice.

SHB 2789 by Committee on Energy and Utilities (originally sponsored by Representatives Cooper, Hankins, Nelson, Dorn, R. Meyers, Crane and H. Myers)

Revising provisions on fraud in obtaining telecommunications services.

Referred to Committee on Energy and Utilities.

EHB 2797 by Representatives R. Fisher, McLean, Horn, Anderson and Todd

Rearranging provisions relating to candidacy and changing provisions relating to ballot forms and voting equipment.

Referred to Committee on Governmental Operations.

EHB 2832 by Representatives Youngsman, Rayburn, McLean, Doty and Nealey

Revising provisions for horticultural plants and facilities.

Referred to Committee on Agriculture.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9153, Craig W. Cole, as a member of the Board of Trustees for Western Washington University, was confirmed.

APPOINTMENT OF CRAIG W. COLE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; absent, 4; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 43.

Absent: Senators Amondson, Moore, Talmadge, West - 4.

Excused: Senators Hansen, Matson - 2.

MOTION

On motion of Senator Bender, Senator Moore was excused.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9155, Virginia E. Cross, as a member of the Board of Trustees for Green River Community College District No. 10, was confirmed.

APPOINTMENT OF VIRGINIA E. CROSS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Hansen, Matson, Moore - 3.

SECOND READING

SENATE BILL NO. 6494, by Senators Smith, Vognild, Bailey, Stratton and Conner
Revising provisions for adoption.

MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 6494 was substituted for Senate Bill No. 6494 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, Substitute Senate Bill No. 6494 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6494.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6494 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Hansen, Matson, Moore - 3.

SUBSTITUTE SENATE BILL NO. 6494, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6514, by Senators Newhouse and McMullen (by request of Board of Industrial Insurance Appeals)

Revising provisions for attorney's fees before the department of labor and industries and the board of industrial insurance appeals.

The bill was read the second time.

MOTION

On motion of Senator Lee, Senate Bill No. 6514 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6514.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6514 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Hansen, Matson, Moore - 3.

SENATE BILL NO. 6514, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6517, by Senators Metcalf, Kreidler and Bluechel (by request of Parks and Recreation Commission)

Changing provisions relating to winter recreation functions of the state parks and recreation commission.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, Senate Bill No. 6517 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6517.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6517 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Hansen, Matson, Moore - 3.

SENATE BILL NO. 6517, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6528, by Senator Patterson

Revising vessel pilots' license qualifications.

The bill was read the second time.

MOTION

On motion of Senator Patterson, Senate Bill No. 6528 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6528.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6528 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Hansen, Matson, Moore - 3.

SENATE BILL NO. 6528, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6558, by Senators Conner, Thorsness, McMullen and Sellar (by request of Department of Licensing)

Allowing the department of licensing to waive the driving examination for certain driver's license applicants.

The bill was read the second time.

MOTION

On motion of Senator Patterson, Senate Bill No. 6558 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6558.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6558 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Hansen, Matson, Moore - 3.

SENATE BILL NO. 6558, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6560, by Senators Nelson, Madsen and Rasmussen (by request of Department of Licensing)

Strengthening odometer disclosure requirements.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 6560 was substituted for Senate Bill No. 6560 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thorsness, Substitute Senate Bill No. 6560 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Thorsness, this is a factual question, not a procedural question. I recently had some people come to me and they said that I had told the people that they were entitled to know what the odometer reading was when they were looking at the car and the dealer told them, 'No, I'll show it to you after you buy.' Well, that is too late for the person that is looking at a used car. Would this cover this--that the dealers will have to show this to anybody that wishes it?"

Senator Thorsness: "As I read the bill, and we had testimony, I understand that it will, Senator Rasmussen."

Senator Rasmussen: "It is the intention that the dealers, on the request of anybody, to show them what the mileage is, then?"

Senator Thorsness: "That is my understanding of the bill."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6560.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6560 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Hansen, Matson, Moore - 3.

SUBSTITUTE SENATE BILL NO. 6560, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6564, by Senators von Reichbauer, McMullen and Johnson

Removing the pooling of funds by commercial fishers from the definition of insurer under the insurance code.

The bill was read the second time.

MOTION

On motion of Senator von Reichbauer, Senate Bill No. 6564 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6564.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6564 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Hayner - 1.

Excused: Senators Hansen, Matson, Moore - 3.

SENATE BILL NO. 6564, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bluechel, Senators Lee and Saling were excused.

SECOND READING

SENATE BILL NO. 6571, by Senators Newhouse and Rinehart

Revising provisions for interpreters in legal proceedings.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, Senate Bill No. 6571 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6571.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6571 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Hansen, Lee, Matson, Moore, Saling - 5.

SENATE BILL NO. 6571, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6572, by Senators Benitz, Williams, Patrick, Stratton and Sutherland

Revising provisions on fraud in obtaining telecommunications services.

MOTIONS

On motion of Senator Benitz, Substitute Senate Bill No. 6572 was substituted for Senate Bill No. 6572 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benitz, Substitute Senate Bill No. 6572 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6572.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6572 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Hansen, Lee, Matson, Saling - 4.

SUBSTITUTE SENATE BILL NO. 6572, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6576, by Senator Metcalf

Making changes regarding harvesting of wild mushrooms.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, Senate Bill No. 6576 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6576.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6576 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Patrick - 1.

Excused: Senators Lee, Matson, Saling - 3.

SENATE BILL NO. 6576, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Craswell assumed the Chair.

SECOND READING

SENATE BILL NO. 6577, by Senators Metcalf, Kreidler and Benitz

Extending the termination date for the committee for recycling markets.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, Senate Bill No. 6577 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6577.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6577 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Lee, Matson, Saling - 3.

SENATE BILL NO. 6577, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6611, by Senators Benitz, Conner, Metcalf and Hansen

Requiring notice of fee and charge increases by disposal facilities.

MOTIONS

On motion of Senator Benitz, Substitute Senate Bill No. 6611 was substituted for Senate Bill No. 6611 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benitz, Substitute Senate Bill No. 6611 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6611.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6611 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Lee, Matson - 2.

SUBSTITUTE SENATE BILL NO. 6611, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6612, by Senators Patterson, Kreidler, Amondson, Metcalf, Barr and Conner

Modifying "rules of the road" as they relate to solid waste collection vehicles.

The bill was read the second time.

MOTION

On motion of Senator Patterson, Senate Bill No. 6612 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6612.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6612 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Lee, Matson - 2.

SENATE BILL NO. 6612, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6648, by Senators Sutherland and Metcalf

Establishing penalties for attempts by vessel operators to elude pursuing law enforcement vessels.

The bill was read the second time.

MOTIONS

On motion of Senator Metcalf, the following Committee on Environment and Natural Resources amendment was adopted:

On page 1, line 9, after "guilty of a" insert "gross"

On motion of Senator Metcalf, Engrossed Senate Bill No. 6648 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6648.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6648 and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent, 1; excused, 1.

Voting yea: Senators Amondson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senators Anderson, Barr, von Reichbauer - 3.

Absent: Senator Hansen - 1.

Excused: Senator Matson - 1.

ENGROSSED SENATE BILL NO. 6648, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, Senate Bill No. 6627 was placed at the bottom of the second reading calendar.

MOTION

On motion of Senator Bender, Senator Hansen was excused.

SECOND READING

SENATE BILL NO. 6673, by Senators McCaslin, Smitherman and Thorsness (by request of Department of General Administration)

Changing provisions relating to state employees operating state-owned vehicles.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, Senate Bill No. 6673 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6673.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6673 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Hansen, Matson - 2.

SENATE BILL NO. 6673, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6727, by Senators Kreidler, Metcalf and DeJarnatt

Regulating sale of valuable material, including shellfish, from state-owned aquatic lands.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, Senate Bill No. 6727 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6727.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6727 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator McCaslin - 1.

Excused: Senators Hansen, Matson - 2.

SENATE BILL NO. 6727, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the Chair.

SECOND READING

SENATE BILL NO. 6172, by Senators Sellar, Sutherland, McCaslin and Barr

Revising provisions for environmental coordination procedures.

The bill was read the second time.

MOTION

Senator Sutherland moved that the following amendment by Senators Sutherland, McCaslin, Sellar and DeJarnatt be adopted:

On page 1, line 4, after "Sec. 1." strike all material through "Sec. 2." on page 2, line 28

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Sutherland, McCaslin, Sellar and DeJarnatt on page 1, line 4, to Senate Bill No. 6172.

The motion by Senator Sutherland carried and the amendment was adopted.

MOTIONS

On motion of Senator Sutherland, the following title amendment was adopted:

On page 1, line 2 of the title, after "RCW" strike "90.62.020 and"

On motion of Senator McCaslin, Engrossed Senate Bill No. 6172 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Anderson, Senator von Reichbauer was excused.

The President Pro Tempore declared the question before the Senate to the roll call on the final passage of Engrossed Senate Bill No. 6172.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6172 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Matson, von Reichbauer - 2.

ENGROSSED SENATE BILL NO. 6172, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6476, by Senators Craswell, McDonald, Metcalf, Rasmussen, Lee, Bluechel, Bailey, Benitz, Cantu, Thorsness, Johnson, Amondson, Patterson, Hayner, Smith, Saling, Sellar and West

Providing an alternative to teacher certification.

MOTION

On motion of Senator Bailey, Substitute Senate Bill No. 6476 was substituted for Senate Bill No. 6476 and the substitute bill was placed on second reading and read the second time.

MOTION

At 10:43 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:48 a.m. by President Pro Tempore Bluechel.

MOTION

At 11:48 a.m., on motion of Senator Newhouse, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:34 p.m. by President Pritchard.

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 6476, which was being debated before the Senate went at ease in the morning, was deferred.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9164, Georgia-Mae Gallivan, as a member of the Board of Trustees for Clark Community College District No. 14, was confirmed.

APPOINTMENT OF GEORGIA-MAE GALLIVAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senators Hayner, Madsen - 2.

Excused: Senator Matson - 1.

Vice President Pro Tempore Craswell assumed the Chair.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9166, Lila Girvin, as a member of the Board of Trustees for The Evergreen State College, was confirmed.

APPOINTMENT OF LILA GIRVIN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Absent: Senators Madsen, Warnke - 2.

Excused: Senator Matson - 1.

There being no objection, the Vice President Pro Tempore advanced the Senate to the eighth order of business.

MOTION

Senator Rinehart moved that the following resolution be adopted:

SENATE RESOLUTION 1990-8731

by Senators Rinehart, Anderson, Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Patrick, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams and Wojahn

WHEREAS, Athletics is one of the most effective ways for women in the United States to develop leadership skills, self-discipline, initiative, and confidence; and

WHEREAS, Sport and fitness activity contributes to emotional and physical well-being, and women need both strong minds and strong bodies; and

WHEREAS, The communication and cooperation skills learned through athletic experience play a key role in the contributions of athletes to the home, to the work place, and to society; and

WHEREAS, Early motor-skill training and enjoyable experiences of physical activity strongly influence lifelong habits of physical fitness; and

WHEREAS, The bonds built among women through athletics help break down the social barriers of racism and prejudice; and

WHEREAS, The history of women in sports is rich and long, but there has been little national recognition of the significance of the athletic achievements of women; and

WHEREAS, The state of Washington has produced women athletic winners such as Olympic skier Debbie Armstrong, ice skater Rosalynn Sumners, track star Doris Heritage, swimmer Mary Wayte, synchronized swimmer Tracie Ruiz-Conforto, marathon runner Lisa Weidenbach and soccer player Shannon Higgins, whose spirit, talent, and accomplishments distinguished them from others and were a source of inspiration and pride to all of us; and

WHEREAS, The number of women in the leadership positions of coaches, officials, and administrators has declined drastically over the past decade, and there is a need to restore women to these positions to ensure a fair representation of the abilities of women and to provide role models for young female athletes; and

WHEREAS, The athletic opportunities for male students at the college and high school level remain significantly greater than the athletic opportunities for female students; and

WHEREAS, The number of funded research projects focusing on the specific needs of women athletes is limited, and the information provided by the projects is imperative to the health and performance of future women athletes;

NOW, THEREFORE, BE IT RESOLVED, That February 8, 1990, be designated as National Girls and Women in Sports Day, and Governor Gardner is authorized and requested to issue a proclamation calling upon local and state jurisdictions to observe the day with appropriate ceremonies and activities.

Debate ensued.

MOTION

On motion of Senator Wojahn, the following amendment was adopted:

On the seventh WHEREAS, after the name, Lisa Weidenbach, add ", swimmer Helene Madison, skier Gretchen Kuinick"

MOTION

On motion of Senator Fleming, the names of all Senators will be added as sponsors of Senate Resolution 1990-8731.

POINT OF INQUIRY

Senator Rasmussen: "Senator Rinehart, you have a line here that bothers me. It goes, 'Whereas, sports and fitness activity contributes to the emotional and physical well-being, and women need both strong minds and strong bodies.' In mens' athletics, they kind of say you have strong bodies and weak minds and you have reversed that."

Senator Rinehart: "Senator Rasmussen, that's progress."

Senator Rasmussen: "Well, I wanted to ask you specifically if you refer only to the women that are engaged in athletics. Are you excluding all the fiddle players and those that take the arts and things like that? They deserve some sort of commendation, too."

Senator Rinehart: "Speaking as a classical pianist, no, we are not excluding anyone."

Senator Rasmussen: "That's all right then. I wanted to get that cleared up. I didn't believe the weak minds and strong bodies in the men either. I think they are equal--both of them--the men and women."

POINT OF INQUIRY

Senator Johnson: "Senator Rinehart, yesterday, you were effective in passing a bill that quieted jet skis and I just wondered if these women in sports rode those quiet jet skis?"

Senator Rinehart: "I'm sure they only had legal ones, Senator Johnson."

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution 1990-8731, as amended.

Senate Resolution 1990-8731, as amended, was adopted.

INTRODUCTION OF SPECIAL GUESTS

The Vice President Pro Tempore introduced guests of Senator Rinehart, representing National Girls and Women in Sports Day, who were seated in the gallery.

There being no objection, the Vice President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 6792, by Senators Bluechel, Warnke, Hayner, Smitherman, Patrick, Niemi and Sellar

Creating the community diversification program.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 6792 was substituted for Senate Bill No. 6792 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, Substitute Senate Bill No. 6792 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6792.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6792 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senators Bender, McCaslin - 2.

Excused: Senator Matson - 1.

SUBSTITUTE SENATE BILL NO. 6792, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6300, by Senator Rasmussen

Permitting first cousin marriages in certain circumstances.

The bill was read the second time.

MOTION

On motion of Senator Nelson, Senate Bill No. 6300 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6300.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6300 and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent, 1; excused, 1.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senators Anderson, Craswell, Fleming - 3.

Absent: Senator McDonald - 1.

Excused: Senator Matson - 1.

SENATE BILL NO. 6300, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6434, by Senators Bender and Metcalf

Establishing a bicycle awareness program.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 6434 was substituted for Senate Bill No. 6434 and the substitute bill was placed on second reading and read the second time.

Senator Warnke moved that the following amendment by Senators Warnke, Hayner, Bender, Patterson and Gaspard be adopted:

On page 1, beginning on line 6, strike everything through "program." on line 9, and insert the following:

"Bicycling is popular for all ages. Almost all families now have bicycles. Bicycling takes more skill than most people realize. Since bicyclists have a low profile in traffic and are unprotected, they need more defensive riding skills than motorists do.

A bicycle awareness program is created within the Washington state patrol. The patrol shall conduct the program in conjunction with the safety education officer program and may use other law enforcement personnel and volunteers to implement the program for children in grades kindergarten through six."

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Warnke, Hayner, Bender, Patterson and Gaspard on page 1, line 6, to Substitute Senate Bill No. 6434.

The motion by Senator Warnke carried and the amendment was adopted.

MOTION

Senator Warnke moved that the following amendment by Senators Warnke and Hayner be adopted:

On page 1, after line 9, insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 46.61 RCW to read as follows:

(1) It is unlawful:

(a) For any person under the age of sixteen years to operate or ride upon a bicycle not powered by motor on a state highway, county road, city street, or any public sidewalk adjacent to the foregoing unless wearing a protective helmet of a type certified to meet the requirements of standard Z-90.4 of the American National Standards Institute or such subsequent nationally recognized standard for bicycle helmet performance as the state patrol may adopt by rule. The helmet must be equipped with either a neck or chin strap which shall be fastened securely while the cycle is in motion:

(b) For any person to transport a person under the age of sixteen years upon a bicycle or any other cycle not powered by motor on a state highway, county road, city street, or any public sidewalk adjacent to the foregoing unless the person transported is wearing a helmet which meets the requirements in (a) of this subsection:

(c) For the guardian of any person under the age of sixteen years to knowingly allow that person to operate or ride upon a bicycle or any other cycle not powered by motor on a state highway, county road, city street, or any public sidewalk adjacent to the foregoing unless that

person is wearing a helmet which meets the requirements in (a) of this subsection. For the purpose of this subsection, "guardian" shall mean any parent, legal guardian, temporary guardian including a babysitter, or any other person who maintains responsibility, whether voluntary or otherwise, for the safety and welfare of any person under the age of sixteen years:

(d) For any person to sell or offer for sale a bicycle helmet which does not meet the requirements established by the state patrol;

(e) For any person to rent a bicycle or cycle not powered by motor for use by a person known by the one renting to be under the age of sixteen years unless the person is in possession of a helmet which meets the requirements of (a) of this subsection, and the one renting is reasonably satisfied that the person will operate or ride upon the cycle while wearing such a helmet in the manner described in (a) of this subsection. For purposes of this subsection, it shall be the affirmative duty of persons renting bicycles or any other cycle not driven by motor to inquire concerning the age of persons who will operate or ride upon such cycles.

(2) Failure to comply with the requirements of this section does not constitute negligence. Neither failure to wear a bicycle helmet nor the permission of such failure to occur shall be admissible as evidence of negligence in any civil action.

(3) The state patrol shall adopt rules to implement this section.

Sec. 3. Section 79, chapter 155, Laws of 1965 ex. sess. as last amended by section 6, chapter 55, Laws of 1982 and RCW 46.61.750 are each amended to read as follows:

(1) It is a traffic infraction for any person to do any act forbidden or fail to perform any act required in RCW 46.61.750 through 46.61.780 or section 2 of this 1990 act.

(2) These regulations applicable to bicycles apply whenever a bicycle is operated upon any highway or upon any bicycle path, subject to those exceptions stated herein."

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

POINT OF INQUIRY

Senator Rasmussen: "Senator Warnke, I think it is an excellent idea, but I have a question. I do see people taking their young children along with them--babies--on the bicycles. I don't know if they have helmets for people that size and this would require anybody under the age of sixteen to have helmets. Now, what would that do to those who wanted to take their children along with them either carrying them on their back or riding them in the basket?"

Senator Warnke: "Senator, there are various sizes of helmets. In fact, I think there is one that is size toddler that they could use."

Senator Rasmussen: "They are available then? I wasn't aware of that. Thank you."

Further debate ensued.

POINT OF INQUIRY

Senator Cantu: "Senator Warnke, I need my memory refreshed as to what is the penalty for a traffic infraction as identified in Section 3?"

Senator Warnke: "I couldn't tell you, Senator. This is Senator Hayner's language, I believe."

POINT OF INQUIRY

Senator Cantu: "Senator Talmadge, I'm just asking the sponsors of the bill or anyone--it says in Section 3 that it is a traffic infraction for any person to do any act forbidden by this act and I was curious as to what the penalty is for a traffic infraction?"

Senator Talmadge: "Senator, as you may recall, the Legislature decriminalized traffic offenses a number of years ago and left it to the Supreme Court of the state of Washington, to develop by rule and regulation the fiscal penalties for traffic infractions. These carry no jail time consequences and simply result in a fiscal financial penalty or fine being imposed against someone under a schedule developed by the Supreme Court by rule."

Senator Cantu: "So, would that be then up to each city--for example--a city could have one penalty and another city--"

Senator Talmadge: "No, it would be a standard penalty for the traffic infractions according to the Supreme Court rule, as we do now for a variety of traffic related offenses. The only place where the local governments have some discretion still, by my recollection, is for parking fines."

Further debate ensued.

REMARKS BY SENATOR CANTU

Senator Cantu: "Thank you, Madam President. The Sergeant at Arms just gave me a slip of paper. For the member's information, the Washington State Patrol infraction for this would be twenty-eight dollars."

Further debate ensued.

Senator Warnke demanded a roll call and the demand was sustained.

MOTIONS

On motion of Senator Bender, Senator Bauer was excused.

On motion of Senator Anderson, Senator Barr was excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Warnke and Hayner on page 1, after line 9, to Substitute Senate Bill No. 6434.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 27; nays, 18; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Bender, Bluechel, Conner, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Madsen, McMullen, Metcalf, Moore, Murray, Niemi, Patrick, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vogniid, Warnke, West, Wojahn - 27.

Voting nay: Senators Amondson, Benitz, Cantu, Craswell, Hansen, Kreidler, Lee, McCaslin, McDonald, Nelson, Newhouse, Owen, Patterson, Saling, Smith, Thorsness, von Reichbauer, Williams - 18.

Absent: Senator Sellar - 1.

Excused: Senators Barr, Bauer, Matson - 3.

MOTIONS

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 1 of the title, after "RCW" strike the remainder of the title and insert "46.61-.750 and 46.37.480; adding a new section to chapter 43.43 RCW; and adding a new section to chapter 46.61 RCW."

On motion of Senator Patterson, Engrossed Substitute Senate Bill No. 6434 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6434.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6434 and the bill passed the Senate by the following vote: Yeas, 30; nays, 15; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Bender, Bluechel, Conner, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Madsen, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Sutherland, Talmadge, Vogniid, Warnke, West, Wojahn - 30.

Voting nay: Senators Amondson, Benitz, Cantu, Craswell, Kreidler, Lee, McCaslin, McDonald, Newhouse, Owen, Sellar, Smith, Thorsness, von Reichbauer, Williams - 15.

Absent: Senator Hansen - 1.

Excused: Senators Barr, Bauer, Matson - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6434, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Talmadge: "Madam President, I rise to a point of personal privilege. Madam President, I know it is difficult sometimes for all of us to adjust to having women in non-traditional roles and frankly having the President be a woman in this body is a non-traditional role. I noticed that my good friend and colleague, Senator Hayner, has not yet gotten it right upon any single occasion. She has spoken to Mr. President each time, so I have prepared this little notation for Senator Hayner's benefit. It is Madam President when Senator Craswell is in the Chair."

SECOND READING

SENATE BILL NO. 6563, by Senators Vognild, Smith, Bailey and Stratton

Changing circumstances under which law enforcement officials may take children into custody.

The bill was read the second time.

MOTION

On motion of Senator Smith, Senate Bill No. 6563 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6563.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6563 and the bill passed the Senate by the following vote: Yeas, 38; nays, 8; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hayner, Johnson, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 38.

Voting nay: Senators Fleming, Kreidler, Moore, Murray, Niemi, Rinehart, Talmadge, Williams - 8.

Absent: Senator Hansen - 1.

Excused: Senators Bauer, Matson - 2.

SENATE BILL NO. 6563, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Vice President Pro Tempore advanced the Senate to the seventh order of business.

THIRD READING

ENGROSSED SENATE BILL NO. 5451, by Senators Talmadge and Moore

Creating a sales and use tax exemption for certain donated clothing.

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

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5451.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5451 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Hansen - 1.

Excused: Senators Bauer, Matson - 2.

ENGROSSED SENATE BILL NO. 5451, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8014, by Committee on Environment and Natural Resources (originally sponsored by Senators Benitz, Metcalf, Moore, Barr and Vognild)

Promoting the decommercialization of steelhead trout, elk, and deer.

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

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Joint Memorial No. 8014.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8014 and the joint memorial passed the Senate by the following vote: Yeas, 37; nays, 10; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 37.

Voting nay: Senators Fleming, Hayner, Madsen, Murray, Niemi, Rinehart, Smitherman, Stratton, Talmadge, Warnke - 10.

Absent: Senator Hansen - 1.

Excused: Senator Matson - 1.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8014, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Bender, Senators Hansen and Owen were excused.

There being no objection, the Vice President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 5935, by Senators Williams, Cantu, Niemi and Lee

Creating the capitol campus design advisory committee.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5935 was substituted for Senate Bill No. 5935 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, Substitute Senate Bill No. 5935 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5935.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5935 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Hansen, Matson, Owen - 3.

SUBSTITUTE SENATE BILL NO. 5935, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Smith, Senator Cantu was excused.

SECOND READING

SENATE BILL NO. 6223, by Senators Rinehart, Bailey, Bender, Gaspard, Metcalf, Lee, Murray, Talmadge and Craswell (by request of Superintendent of Public Instruction)

Changing the frequency of scoliosis screening in public schools.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 6223 was substituted for Senate Bill No. 6223 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, Substitute Senate Bill No. 6223 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6223.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6223 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator McMullen - 1.

Excused: Senators Cantu, Hansen, Matson, Owen - 4.

SUBSTITUTE SENATE BILL NO. 6223, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6272, by Senators West, Johnson and Smith

Providing for discipline of assistants of health care professionals.

The bill was read the second time.

MOTION

On motion of Senator West, Senate Bill No. 6272 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6272.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6272 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Cantu, Hansen, Matson, Owen - 4.

SENATE BILL NO. 6272, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Vognild was excused.

SECOND READING

SENATE BILL NO. 6371, by Senators von Reichbauer, Moore, Johnson, McMullen, West, McCaslin, Rasmussen, Sellar, Niemi and Conner

Creating the department of financial institutions.

MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 6371 was substituted for Senate Bill No. 6371 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, Substitute Senate Bill No. 6371 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6371.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6371 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Melcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Cantu, Matson, Vognild - 3.

SUBSTITUTE SENATE BILL NO. 6371, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

SECOND READING

SENATE BILL NO. 6461, by Senators Bluechel, Gaspard and Rasmussen

Providing reimbursement to state library employees injured while working in state correctional institutions and offices.

The bill was read the second time.

MOTION

On motion of Senator Nelson, Senate Bill No. 6461 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6461.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6461 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McMullen, Melcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator McDonald - 1.

Excused: Senators Matson, Vognild - 2.

SENATE BILL NO. 6461, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Bender, Senator DeJarnatt was excused.

On motion of Senator Anderson, Senator Bluechel was excused.

SECOND READING

SENATE BILL NO. 6463, by Senators Saling, Rinehart, Smitherman, Bauer, Stratton, Talmadge and Johnson

Granting a greater voice to students in recommending budgets for services and activities fees.

MOTIONS

On motion of Senator Saling, Substitute Senate Bill No. 6463 was substituted for Senate Bill No. 6463 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Saling, Substitute Senate Bill No. 6463 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6463.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6463 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Owen - 1.

Excused: Senators Bluechel, DeJarnatt, Matson - 3.

SUBSTITUTE SENATE BILL NO. 6463, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Stratton was excused.

SECOND READING

SENATE BILL NO. 6473, by Senators Thorsness, Wojahn, McCaslin, Gaspard, Rasmussen and Lee (by request of Department of Corrections)

Changing conditions applying to the sale of products of correctional industries.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6473 was substituted for Senate Bill No. 6473 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, Substitute Senate Bill No. 6473 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6473.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6473 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Bluechel, DeJarnatt, Matson, Stratton - 4.

SUBSTITUTE SENATE BILL NO. 6473, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6533, by Senators Owen, Craswell, Bauer, Gaspard, Bailey and Stratton

Changing provisions relating to school suspension.

The bill was read the second time.

MOTION

On motion of Senator Bailey, Senate Bill No. 6533 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6533.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6533 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Bluechel, DeJarnatt, Matson, Stratton - 4.

SENATE BILL NO. 6533, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6797, by Senators Benitz, Rasmussen, Conner, Metcalf, Patterson, Thorsness, Amondson and McMullen

Creating the fisheries 2000 council.

MOTION

On motion of Senator Metcalf, Senate Bill No. 6797 was not substituted.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the following amendment by Senators Benitz, Metcalf and Sutherland was adopted:

Strike everything after the enacting clause and insert the following:

*NEW SECTION, Sec. 1. A new section is added to chapter 75.08 RCW to read as follows:

(1) There is created the fisheries 2000 council. The purpose of the council shall be to study the potential of enhancement of anadromous and resident fish populations in Washington state through the year 2010 and beyond. The committee shall develop specific recommendations on:

(a) Habitat preservation and enhancement and limitations on development projects which impact fish habitat;

(b) Habitat rehabilitation;

(c) Improved management of wild stocks;

(d) Improved management of hatchery stocks;

(e) Enhancement and rehabilitation of wild and artificial runs;

(f) Fisheries research;

(g) Adequate funding for fisheries programs; and

(h) Fostering better cooperation among user groups.

(2) There shall be no consideration of allocation issues between:

(a) Indian and non-Indian fishers;

(b) Commercial and sports fishers;

(c) Commercial fishing gear groups.

(3) The governor shall select organizations that shall appoint the following representatives to the fisheries 2000 council:

(a) Five representatives from commercial fishing interests, including one purse seiner, one gillnetter, one troller, one Columbia river fisher, and one processor;

(b) Five representatives from five sports groups, at least two of which shall be state-wide in representation;

(c) Five representatives from tourist related industries, including one charter boat fisherman, one baitshop owner, one recreational boat dealer, one marina owner, and one motel/restaurant owner;

(d) Five representatives from Indian tribes including one Indian fisheries commission member and four tribal representatives;

(e) Five representatives from the environmental community;

(f) Five representatives from natural resource-based industries including:

(i) Agriculture/irrigation;

(ii) Timber;

(iii) Utilities; and

(iv) Developers/landowners;

(g) Representatives from the northwest power planning council;

(h) Four legislators, one from each caucus of the senate and house of representatives, appointed by the president of the senate and the speaker of the house of representatives, respectively;

(i) Ex officio members including:

(i) Washington cities and counties;

(ii) Washington public ports association;

(iii) Washington department of fisheries;

(iv) Washington department of wildlife;

(v) Washington department of ecology;

(vi) Washington department of natural resources;

(vii) Inter agency committee for outdoor recreation;

(viii) United States fish and wildlife service;

(ix) National marine fisheries service;

(x) Puget Sound water quality authority;

(xi) Washington department of agriculture;

(xii) Washington department of transportation; and

(xiii) Soil and conservation districts.

(4) The council shall appoint and may compensate a technical advisory committee and necessary staff. Members of the advisory committee may include:

(a) Biologists from, but not limited to agencies of government, Indian tribes, higher education, and industry;

(b) Resource managers;

(c) Researchers; and

(d) Fisheries 2000 staff appointed under this subsection.

(5) The council may use the University of Washington schools of fisheries, center for public policy, institute for marine studies, and the sea grant program to facilitate and coordinate the fisheries 2000 responsibilities described in this section.

(6) The advisory committee shall issue a preliminary report to the senate environment and natural resources committee and the house of representatives fisheries and wildlife committee by January 1, 1991, and a final report with recommendations to the governor and legislature by January 1, 1992.

NEW SECTION, Sec. 2. The sum of forty-nine thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of fisheries for the purposes of the fisheries 2000 council.

NEW SECTION, Sec. 3. The director of fisheries may accept private donations for the purposes of the fisheries 2000 council.

NEW SECTION, Sec. 4. Section 1 of this act shall expire January 1, 1992."

POINT OF INQUIRY

Senator Rasmussen: "Senator Metcalf, as I read the amendment, it says it shall make a final report. It doesn't say anything about the committee terminating."

Senator Metcalf: "OK, it is on page 5, Section 4, it says, 'This act shall expire January 1, 1992.'"

Senator Rasmussen: "OK, I hadn't gotten that far."

MOTIONS

On motion of Senator Metcalf, the following title amendment was adopted:

On page 1, line 1 of the title, after "council;" strike the remainder of the title and insert "adding a new section to chapter 75.08 RCW; creating a new section; making an appropriation; and providing an expiration date."

On motion of Senator Metcalf, Engrossed Senate Bill No. 6797 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6797.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6797 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senator Patterson - 1.

Excused: Senators Bluechel, Matson, Stratton - 3.

ENGROSSED SENATE BILL NO. 6797, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6559, by Senators Sellar, Kreidler and Metcalf (by request of Parks and Recreation Commission)

Requiring reimbursement for state parks and recreation commission costs of plan review and construction approval for winter recreational facilities.

The bill was read the second time.

MOTION

On motion of Senator Sellar, Senate Bill No. 6559 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6559.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6559 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator McDonald - 1.

Excused: Senators Bluechel, Matson, Stratton - 3.

SENATE BILL NO. 6559, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6574, by Senators Lee, Smitherman, West, McCaslin, Murray, Williams, Amondson and Anderson

Changing the definition of housing under the Washington state housing finance commission.

The bill was read the second time.

MOTION

On motion of Senator Lee, Senate Bill No. 6574 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6574.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6574 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Metcalf - 1.

Excused: Senators Bluechel, Matson, Stratton - 3.

SENATE BILL NO. 6574, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6589, by Senators von Reichbauer, Moore and Johnson

Changing provisions relating to which county a title insurer may do business.

MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 6589 was substituted for Senate Bill No. 6589 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, Substitute Senate Bill No. 6589 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6589.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6589 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator McCaslin - 1.

Excused: Senators Bluechel, Matson, Stratton - 3.

SUBSTITUTE SENATE BILL NO. 6589, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6606, by Senators Benitz, Patterson, Stratton, Newhouse, Hansen, Johnson and Smith

Modifying exemptions and penalties for tinting or coloring of motor vehicle windows.

The bill was read the second time.

MOTION

On motion of Senator Patterson, Senate Bill No. 6606 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6606.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6606 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Matson, Stratton - 2.

SENATE BILL NO. 6606, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the Chair.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6476, deferred on second reading earlier today.

MOTION

Senator Murray moved that the following amendment be adopted:

On page 2, beginning on line 1, insert a new section as follows:

***NEW SECTION.** Sec. 2. (1) the superintendent of public instruction and the higher education coordinating board shall by December 15, 1990, develop a program in classroom management, discipline and conflict resolution specifically designed for alternatively certificated teachers. The program shall include curriculum training methods and a training manual to assist with section 3 (b) of this act."

Renumber the remaining sections accordingly

Debate ensued.

Senator Vognild demanded a roll call and the demand was sustained.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Murray on page 2, beginning on line 1, to Substitute Senate Bill No. 6476.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 24; nays, 23; excused, 2.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalfe, Nelson, Newhouse, Patrick, Patterson, Saling, Sellar, Smith, Thorsness, West - 23.

Excused: Senators Matson, Stratton - 2.

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 6476 was deferred.

Vice President Pro Tempore Craswell assumed the Chair.

SECOND READING

SENATE BILL NO. 6701, by Senators Bluechel, Bender, Sellar, Moore, von Reichbauer, Murray, Smitherman, Conner, Warnke and Lee

Creating the maritime commission and oil spill response system.

MOTIONS

On motion of Senator Bluechel, Substitute Senate Bill No. 6701 was substituted for Senate Bill No. 6701 and the substitute bill was placed on second reading and read the second time.

Senator Talmadge moved that the following amendment by Senators Talmadge and Rinehart be adopted:

On page 8, after line 27, add a new section and renumber sections accordingly

***NEW SECTION.** Sec. 10. INVESTIGATORY STUDY. (1) The commission shall assist a task force to conduct the investigatory study required by this section. The task force shall be appointed by the governor in consultation with the commission and shall comprise the following:

- (a) Three commission members;
- (b) A member with expertise in water quality issues;
- (c) Two members with expertise in oil spills and marine transportation;
- (d) A member representing the shipping industry generally;
- (e) A member representing that portion of the shipping industry that transports oil as cargo;
- (f) A member with expertise in the impacts to natural resources of marine spills and the rehabilitation of such resources;

- (g) A member representing cities;
- (h) A member representing counties;
- (i) One member each from the state departments of ecology and transportation, designated by the heads of such departments.
- (2) The task force shall review and analyze the following subjects and any other related subjects:
 - (a) The present traffic patterns of tankers, barges, and other ships that create the risks of oil spills;
 - (b) A history of accidents in Washington state;
 - (c) The cause of accidents in Washington state and the potential risks of accidents in state coastal waters, the Strait of Juan de Fuca, Puget Sound, and the lower Columbia river;
 - (d) An analysis of the environmental and other impacts of a total spill of cargo in Puget Sound from a tanker carrying the maximum allowable oil cargo;
 - (e) The effectiveness of current spill prevention and response preparedness programs by federal, state and local agencies as well as the shipping industry;
 - (f) The effectiveness of current requirements for vessel operator and pilot training and fitness;
 - (g) Recommendations in past studies and reports to enhance spill prevention and marine transportation safety;
 - (h) Spill prevention and response initiatives by other coastal states;
 - (i) The benefits of Washington entering compacts or other agreements with other coastal states to improve spill prevention and preparedness; and
 - (j) Recommendations for legislative and regulatory changes.
- (3) The task force shall select a chair from among its members. In conducting the study the task force shall hold public hearings throughout areas of the state in which the marine transportation of oil is conducted. The commission shall provide necessary staff and administrative support to the task force, and is authorized to enter contracts to assist the task force in carrying out its duties.
- (4) The task force shall submit its report to the commission, the governor and the legislative standing committees on the environment by January 31, 1991. The task force shall continue thereafter to respond to inquiries on the study and shall cease to exist on July 1, 1991.

Debate ensued.

Senator Talmadge demanded a roll call and the demand was not sustained.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Talmadge and Rinehart on page 8, after line 27, to Substitute Senate Bill No. 6701.

The motion by Senator Talmadge failed and the amendment was not adopted.

MOTION

On motion of Senator Bluechel, Substitute Senate Bill No. 6701 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6701.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6701 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Matson - 1.

SUBSTITUTE SENATE BILL NO. 6701, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the Chair.

SECOND READING

SENATE BILL NO. 6642, by Senators McMullen and Matson

Revising the Washington Marketplace Program.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 6642 was substituted for Senate Bill No. 6642 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, Substitute Senate Bill No. 6642 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6642.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6642 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Matson - 1.

SUBSTITUTE SENATE BILL NO. 6642, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6665, by Senators Nelson and Talmadge

Revising the corporations statutes.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, Senate Bill No. 6665 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6665.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6665 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Matson - 1.

SENATE BILL NO. 6665, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6698, by Senators Metcalf, DeJarnatt, Nelson, Sutherland, Barr, Bauer, Bluechel, Stratton, Patterson, Hansen, Anderson, Madsen, Bailey, McCaslin, Owen, Conner and Benitz

Imposing a fee on the sale of solid fuel burning devices.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 6698 was substituted for Senate Bill No. 6698 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, Substitute Senate Bill No. 6698 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Metcalf, in the previous floor discussion on Senate Bill No. 6583, I asked how local air pollution control authorities enforce the wood burning bans. I am concerned that citizens get a chance to let their stove fires go out within a reasonable time before getting a violation notice for illegal burning. The question directly is--I understand they have a three hour delay, but a delay from what? When I hear the radio or the newspaper, it just says there is a ban on and it doesn't say whether it is six o'clock or twelve o'clock or whatever. I don't know whether I have three hours from that time or not, because there is no time stated."

Senator Metcalf: "Senator Rasmussen, thank you for this question, because I think this does need to be cleared up and put in the record. There are specific rules on this issue and both the state and local air officials assure me that there is common sense application of these rules. Under the administrative rules implementing the wood stove laws, all persons using old uncertified or new certified stoves shall extinguish the fire by not putting in new fuel into the fire when a no-burn--meaning an air pollution episode or an impaired air quality--declaration is issued.

"The regulations also require three hours to elapse after the no-burn declaration before any enforcement action can be taken. Any smoke coming out of a chimney, flue or exhaust duct after the three hour period shall be considered evidence of an unlawful operation of a solid fuel burning devise.

"Substitute Senate Bill No. 6698 is not intended to alter these rules requiring a reasonable period of time to elapse after a ban is declared before enforcement action is taken."

Senator Rasmussen: "I didn't hear any answer to the question of when they put the ban on, when is the specific hour stated? When it is in effect? That is the key question. I don't know whether I have three hours from what?"

Senator Metcalf: "In other words, what you are asking is that whenever the burn ban goes out, the time should go with it--the time of the burn ban should be put on it?"

Senator Rasmussen: "The time that you have three hours from that time to let your fire die out."

Senator Metcalf: "OK, that is not covered in the bill, Senator Rasmussen--to be sure that the ban warnings have a time certain on them. I think that is something that we should take up with the department and I did not understand that part of the question, so it isn't in the bill."

Senator Rasmussen: "Maybe we can get the House to correct it."

Senator Metcalf: "I think that probably is a good idea."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6698.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6698 and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Voting nay: Senators Amondson, Conner, Fleming, Rinehart, Sutherland, Thorsness - 6.

Excused: Senator Matson - 1.

SUBSTITUTE SENATE BILL NO. 6698, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6768, by Senators Owen, Matson, Warnke, Newhouse, Vognild, Rasmussen and Sutherland

Requiring progress reports on the recreational fisheries enhancement plan.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, Senate Bill No. 6768 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6768.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6768 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Matson - 1.

SENATE BILL NO. 6768, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Amondson was excused.

SECOND READING

SENATE BILL NO. 6776, by Senators Nelson and Talmadge

Revising the Washington condominium act.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6776 was substituted for Senate Bill No. 6776 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, Substitute Senate Bill No. 6776 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6776.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6776 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Amondson, Matson - 2.

SUBSTITUTE SENATE BILL NO. 6776, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

EDITOR'S NOTE: See Appendix A for Comments to the Washington Condominium Act.

SECOND READING

SENATE BILL NO. 6777, by Senator Madsen

Designating state route number 706 as "The Road to Paradise."

The bill was read the second time.

MOTION

On motion of Senator Patterson, Senate Bill No. 6777 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6777.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6777 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Taimadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Amondson, Matson - 2.

SENATE BILL NO. 6777, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 6, 1990

GA 9215 JAMES ANDRYCH, appointed December 5, 1989, for a term ending December 5, 1991, as a member of the Western State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators West, Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

February 6, 1990

GA 9216 JACK A. ASBY, appointed December 5, 1989, for a term ending December 5, 1993, as a member of the Western State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators West, Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

February 6, 1990

GA 9217 DR. DEAN K. BROOKS, appointed December 5, 1989, for a term ending December 5, 1993, as Chair of the Western State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators West, Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

February 6, 1990

GA 9218 ARLENE B. ENGEL, appointed December 5, 1989, for a term ending December 5, 1992, as a member of the Western State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators West, Chairman: Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

February 6, 1990

GA 9220 RUTH J. HAGEROTT, appointed December 5, 1989, for a term ending December 5, 1993, as a member of the Western State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators West, Chairman: Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

February 6, 1990

GA 9221 IRA S. KLEIN, appointed December 5, 1989, for a term ending December 5, 1992, as a member of the Western State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators West, Chairman: Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

February 6, 1990

GA 9222 ELIZABETH MUKTARIAN, appointed December 5, 1989, for a term ending December 5, 1991, as a member of the Western State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators West, Chairman: Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

February 6, 1990

GA 9223 JANE RENO, appointed December 5, 1989, for a term ending December 5, 1992, as a member of the Western State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators West, Chairman: Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

February 6, 1990

GA 9225 HELEN SCHWEDENBERG, appointed December 5, 1989, for a term ending December 5, 1993, as a member of the Western State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators West, Chairman: Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

February 6, 1990

GA 9228 JAMES L. TAYLOR, appointed December 5, 1989, for a term ending December 5, 1991, as a member of the Western State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators West, Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

February 6, 1990

GA 9229 DAVID B. WESTON, appointed December 5, 1989, for a term ending December 5, 1991, as a member of the Western State Hospital Advisory Board.

Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators West, Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

MOTION

At 5:05 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Friday, February 9, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

THIRTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 9, 1990

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Fleming, Matson, Nelson, Patrick, Sellar and Talmadge. On motion of Senator Anderson, Senators Matson, Patrick and Sellar were excused. On motion of Senator Vognild, Senators Bender, Fleming and Talmadge were excused.

The Sergeant at Arms Color Guard, consisting of Eagle Scouts Geoffrey Smigun and Jon Eric Davidson, presented the Colors. Reverend Vickie Lafser, pastor of the Unity Church of Olympia, offered the prayer.

MOTION

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

INTRODUCTION OF SPECIAL GUEST

The President introduced Eagle Scout Peter Richey of Olympia, one of many Boy Scouts in the capital today to give the annual report on scouting to Governor Gardner.

With permission of the Senate, business was suspended to permit Eagle Scout Richey to address the Senate.

INTRODUCTION OF SPECIAL GUESTS

The President introduced other members of the Boy Scouts and their leaders from across the state, who were seated in the gallery.

REPORT OF STANDING COMMITTEE

February 8, 1990
SCR 8433 Prime Sponsor, Senator Benitz: Creating a joint select committee on interpersonal violence. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Concurrent Resolution No. 8433 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Newhouse, Niemi, Patrick, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

February 7, 1990

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 1109,

HOUSE BILL NO. 2032,

HOUSE BILL NO. 2271,

SUBSTITUTE HOUSE BILL NO. 2349,

ENGROSSED HOUSE BILL NO. 2355,

ENGROSSED HOUSE BILL NO. 2404,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2459,

ENGROSSED HOUSE BILL NO. 2466,

SUBSTITUTE HOUSE BILL NO. 2467,

SUBSTITUTE HOUSE BILL NO. 2551,

SUBSTITUTE HOUSE BILL NO. 2569,

SUBSTITUTE HOUSE BILL NO. 2583,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2622,

SUBSTITUTE HOUSE BILL NO. 2651.

ENGROSSED HOUSE BILL NO. 2655,
 HOUSE BILL NO. 2663,
 ENGROSSED HOUSE BILL NO. 2694,
 HOUSE BILL NO. 2775,
 ENGROSSED HOUSE BILL NO. 2788,
 SUBSTITUTE HOUSE BILL NO. 2854,
 ENGROSSED HOUSE BILL NO. 2911,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3000,
 HOUSE JOINT MEMORIAL NO. 4024,
 SENATE JOINT MEMORIAL NO. 8019, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1109 by Representatives O'Brien, McLean, Anderson, Wineberry, Betzoff, G. Fisher, R. Fisher, Sayan, Wang, Pruitt, Baugher, Winsley, P. King, Kremen, H. Meyers, Brumsickle, Rasmussen, Van Luven and Tate

Dealing with voter registration for high school students.

Referred to Committee on Governmental Operations.

HB 2032 by Representatives Todd, Phillips, Ferguson, Rayburn, Raiter, Nelson, Baugher, Crane and McLean

Including senior citizen and community centers within the definition of recreational facilities for park and recreation districts.

Referred to Committee on Governmental Operations.

HB 2271 by Representatives Kremen, Scott, Braddock, Spanel and K. Wilson

Changing eligibility requirements for concealed weapon permits.

Referred to Committee on Law and Justice.

SHB 2349 by Committee on Judiciary (originally sponsored by Representatives R. Meyers, Schmidt, Inslee, Rector, Pruitt, R. King, Holland, Kremen, McLean, Crane, Winsley, Schoon, K. Wilson, Locke, Brough, Miller, Van Luven, H. Myers and Kirby) (by request of Washington State Patrol)

Providing for DNA identification.

Referred to Committee on Law and Justice.

EHB 2355 by Representatives Cole, Betzoff, Peery, Holland, Rector and Winsley (by request of Superintendent of Public Instruction)

Changing rules of the road with regard to school buses and private carrier buses.

Referred to Committee on Education.

EHB 2404 by Representatives Padden, Crane, R. Meyers, Wolfe and P. King

Allowing deferrals of traffic infraction judicial determinations.

Referred to Committee on Law and Justice.

ESHB 2459 by Committee on Judiciary (originally sponsored by Representatives Inslee, Wineberry, Raiter, Belcher, R. Meyers, Moyer, Baugher, Rector, Schmidt, Dorn, Locke, H. Myers, Smith, P. King, Brough, Prentice, Padden, Forner, Jesernig, Tate, Scott, Anderson, Pruitt, Wood, Nealey, Dellwo, May, Ferguson, Rayburn, Kirby, Spanel and Rasmussen)

Establishing punitive liability for injury or wrongful death from driving while intoxicated.

Referred to Committee on Law and Justice.

EHB 2466 by Representatives Vekich, Prentice, Winsley, Jones, Holland, Wineberry, G. Fisher, Cole, Braddock, P. King, Ebersole, Anderson, Rector, Kremen and Wang

Requiring employee health benefits under school service contracts.

Referred to Committee on Education.

SHB 2467 by Committee on Judiciary (originally sponsored by Representatives Padden, Appelwick, Dellwo and R. Meyers) (by request of Office of the Administrator of the Courts)

Changing provisions relating to juries.

Referred to Committee on Law and Justice.

SHB 2551 by Committee on Higher Education (originally sponsored by Representatives Jacobsen, Prince, Rector, Van Luvan, Nelson, Wineberry, R. King, Silver, Kremen, Wood, Rayburn, K. Wilson, Spanel, Basich, Pruitt, Dellwo, P. King, Valle, Miller, Doty, Locke, Inslee and Brekke)

Granting a greater voice to students in recommending budgets for services and activities fees.

Referred to Committee on Higher Education.

SHB 2569 by Committee on Environmental Affairs (originally sponsored by Representatives Sprenkle, Walker, Valle, D. Sommers, Rust, May, Brekke, G. Fisher, Pruitt, Fraser, Spanel and Todd)

Modifying provisions relating to oil recycling.

Referred to Committee on Environment and Natural Resources.

SHB 2583 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives May, Dellwo, Berozoff, Prentice, Moyer, Rasmussen, Bowman, Wolfe, Walker, Rector, Wood, Winsley, Day and Brekke)

Mandating coverage for diabetic education.

Referred to Committee on Financial Institutions and Insurance.

ESHB 2622 by Committee on Judiciary (originally sponsored by Representatives Belcher, Appelwick, Miller, Prince, Vekich, Wang, Brough, Rayburn, Nutley, Locke, Dellwo, R. Fisher, P. King, R. Meyers, Wineberry, Brooks, Crane, Cole, G. Fisher, Scott, Fraser, Grant, Inslee, Braddock, Rust, Haugen, Heavey, Raiter, Prentice, Valle, Jacobsen, Leonard, Phillips, Holland, R. King, Brekke, Nelson and Anderson)

Pertaining to interference with health care.

Referred to Committee on Children and Family Services.

SHB 2651 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives R. Meyers, Dellwo, Chandler, Crane, P. King and Anderson)

Regulating personal injury protection insurance.

Referred to Committee on Financial Institutions and Insurance.

EHB 2655 by Representatives R. Fisher and Pruitt

Changing reporting requirements for lobbyists and for employers of lobbyists.

Referred to Committee on Governmental Operations.

HB 2663 by Representatives Sprengle, Schoon, Rust, Valle, Phillips and Pruitt
Changing provisions relating to the Washington committee for recycling markets.

Referred to Committee on Environment and Natural Resources.

EHB 2694 by Representatives Cole, Holland, Leonard, Jacobsen and Betrozoff
Extending the expiration date of the interim task force on student transportation safety.

Referred to Committee on Education.

HB 2775 by Representatives McLean, R. Fisher, Miller, Ebersole, Holland, Bennett, Wolfe, Wang, Betrozoff, Todd, Anderson, Pruitt, R. Meyers, D. Sommers, Wood, Wineberry and Hankins

Prohibiting the use of voting machines that do not record votes on separate ballots.

Referred to Committee on Governmental Operations.

EHB 2788 by Representatives Jones, Smith, Vekich, Wolfe, Cole, Walker, R. King, Prentice and O'Brien (by request of Department of Labor and Industries)

Authorizing civil penalties for violations of state wage payment laws.

Referred to Committee on Economic Development and Labor.

SHB 2854 by Committee on Local Government (originally sponsored by Representative Cooper)

Ratifying procedures used by certain counties for contracts for solid waste systems.

Referred to Committee on Governmental Operations.

EHB 2911 by Representatives Nutley and Todd

Exempting school districts and associated students of school districts from certain contract prohibitions.

Referred to Committee on Education.

ESHB 3000 by Committee on State Government (originally sponsored by Representatives Todd, McLean, Anderson, R. Fisher, Wineberry and Wang)

Enacting the voters' rights act of 1990.

Referred to Committee on Governmental Operations.

HJM 4024 by Representatives Basich, Vekich, Sayan, Hargrove, Jones, Jacobsen, Peery, Heavey and Rust

Promoting a Pacific Coast Highway Corridor.

Referred to Committee on Transportation.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9009, Ruth V. Coffin, as a member of the Commission on Judicial Conduct, was confirmed.

APPOINTMENT OF RUTH V. COFFIN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; absent, 1; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patterson,

Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senator Nelson - 1.

Excused: Senators Bender, Fleming, Matson, Patrick, Sellar, Talmadge - 6.

MOTION

On motion of Senator Anderson, Senator Nelson was excused.

MOTION

On motion of Senator Thorsness, the following resolution was adopted:

SENATE RESOLUTION 1990-8732

by Senators Thorsness, Anderson, Amondson, Rasmussen, Murray, Sutherland, Gaspard and Conner

WHEREAS, Scouting has been an integral part of the building of character in youth for nearly eighty years; and

WHEREAS, Scouting maintains a strong presence through four hundred and eleven local councils across the United States; and

WHEREAS, Eighty-one million Americans have been members of the Boy Scouts of America since its incorporation in the United States in 1910; and

WHEREAS, The state of Washington is served by twelve councils, each sending a representative to Olympia to make their annual report to the Governor; and

WHEREAS, The scouting program begins with youth at age seven and continues through the Explorer Scout program that involves youth between ages fourteen and twenty-one; and

WHEREAS, The scout law inspires people always to be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent; and

WHEREAS, Many of our state and national leaders have participated in the Boy Scout program;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate applaud the Eagle Scouts visiting the Legislature today, those members of the Senate who have participated in the Boy Scout program, the twelve councils serving Washington State and the Boy Scouts of America, for the service and benefit to the youth of this state; and

BE IT FURTHER RESOLVED, That the members of this body encourage support in their home districts for scouting programs; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Secretary of the Senate to the National Office of the Boy Scouts of America in Irving, Texas; the Western Regional Office of the Boy Scouts of America in Sunnyvale, California; and the twelve Boy Scout councils serving Washington State.

Senator Conner spoke to Senate Resolution 1990-8732.

SIGNED BY THE PRESIDENT

The President signed:

SENATE JOINT MEMORIAL NO. 8019.

MOTION

On motion of Senator Craswell, the following resolution was adopted:

SENATE RESOLUTION 1990-8734

by Senators Craswell, Smitherman, Owen, Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams and Wojahn

WHEREAS, Washington State Patrol Captain Wayne L. Small, who dedicated his life to the service of the people of the state of Washington, passed away on January 30, 1990; and

WHEREAS, Captain Small began his long and distinguished career with the Washington State Patrol in 1963 and was commissioned a trooper in 1964; and

WHEREAS, Captain Small faithfully served in Colfax, in Bellingham, and at the State Patrol Academy; and

WHEREAS, On September 7, 1988, Captain Small assumed his final post within the Washington State Patrol, serving as commander of the Washington State Patrol detachment at Bremerton; and

WHEREAS, Captain Small was born in Sedro Wooley on December 28, 1937; raised in Bremerton; served in the United States Navy; attended the Northwestern University Traffic Institute; and was a member of the State Patrol Policy Board and chairman of the Patrol's Uniform Committee; and

WHEREAS, Throughout his twenty-seven year career, Captain Small served courageously and was a source of inspiration to his colleagues;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby expresses its deepest sympathy to the family, friends and colleagues of Captain Small in remembrance of the many and varied achievements of his remarkable life; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to Captain Small's wife, Mrs. Joanne Small, to Captain Small's mother, Mrs. Mernie Small, to Captain Small's daughters, Kimberly Becker, Robin Jackson, Kelli Geist and Darcy Peacock, to Captain Small's six grandchildren, and to the Chief of the Washington State Patrol.

MOTION

On motion of Senator Newhouse, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 6791, by Senator Williams

Requiring specific identifying information for credit reports.

The bill was read the second time.

MOTION

On motion of Senator von Reichbauer, Senate Bill No. 6791 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6791.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6791 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, Williams, Wojahn - 44.

Voting nay: Senator West - 1.

Excused: Senators Matson, Nelson, Patrick, Sellar - 4.

SENATE BILL NO. 6791, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6862, by Senators McMullen, Metcalf, Amondson and Sutherland

Creating the Washington hardwoods commission.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, Senate Bill No. 6862 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6862.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6862 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Matson, Nelson, Patrick, Sellar - 4.

SENATE BILL NO. 6862, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Benitz was excused.

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 5013, by Committee on Education (originally sponsored by Senator Owen)

Relating to second class school districts changing back to having directors run at-large.

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

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5013.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5013 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Benitz, Matson, Nelson, Patrick, Sellar - 5.

SUBSTITUTE SENATE BILL NO. 5013, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 5072, by Senators Pullen, Rasmussen, Newhouse, Hansen, Niemi, Talmadge, Conner, Smith, McCaslin, Nelson, Rinehart, West, Hayner, Kreidler, Madsen, Thorsness, Gaspard, Lee, Sutherland and von Reichbauer

Establishing a law enforcement medal of honor.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5072.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5072 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bäuer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Benitz, Matson, Patrick, Sellar - 4.

SENATE BILL NO. 5072, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5132, by Committee on Governmental Operations (originally sponsored by Senators McCaslin and Rasmussen)

Specifying additional requirements for local improvement district notices.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5132.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5132 and the bill passed the Senate by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senators Conner, Kreidler - 2.

Excused: Senators Benitz, Matson, Patrick, Sellar - 4.

SUBSTITUTE SENATE BILL NO. 5132, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5135, by Committee on Governmental Operations (originally sponsored by Senators McCaslin and Rasmussen)

Limiting the authority of a board of health or health department to require property owners to participate in a local improvement district in order to obtain on-site sewage system permits.

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

Debate ensued.

POINT OF INQUIRY

Senator Smitherman: "Senator McCaslin, on the deal here where you're saying they can't fight--where they have to sign a covenant saying that they won't fight an ULID and so on--that would be specifically in relationship probably to a sewer coming in, right?"

Senator McCaslin: "That's right."

Senator Smitherman: "And what you're saying is if they don't want to hook up to that sewer and they want to fight it, that should be OK?"

Senator McCaslin: "I think they should fight it and they have that right, because they're going to pay for it, Senator."

Senator Smitherman: "Yes, understood."

MOTION

On motion of Senator Anderson, Senator Nelson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5135.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5135 and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Rasmussen, Saling, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Voting nay: Senators Rinehart, Talmadge - 2.

Excused: Senators Benitz, Matson, Nelson, Patrick, Sellar - 5.

SUBSTITUTE SENATE BILL NO. 5135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, Substitute Senate Bill No. 5688, which was on the third reading calendar, was referred to the Committee on Rules.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5723; by Committee on Governmental Operations (originally sponsored by Senators McCaslin and Kreidler) (by request of Secretary of State)

Revising procedures for ballot titles and summaries.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5723.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5723 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Matson, Nelson, Patrick - 3.

SUBSTITUTE SENATE BILL NO. 5723, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:58 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:37 a.m. by President Pritchard.

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 6269, by Senators West, Wojahn, Smith, Johnson, McDonald, von Reichbauer and Rasmussen

Providing for a uniform health care insurance claim form.

The bill was read the second time.

MOTIONS

On motion of Senator West, the following Committee on Health and Long-Term Care amendment was adopted:

On page 1, line 10, strike "providers" and insert "carriers"

On motion of Senator Kreidler, the following amendment by Senators Kreidler and Niemi was adopted:

On page 2, line 16, after "expenses," add a new section as follows:

***NEW SECTION.** Sec. 7. After July 1, 1992, the uniform health care insurance claim form developed by the commissioner under section 1 of this act shall be used by all health plans whether or not the plans are subject to the provisions of Title 48 RCW. the commissioner shall aggressively pursue such federal regulatory changes as may be required to assure compliance with this section."

MOTIONS

On motion of Senator West, the following title amendment was adopted:

On page 1, line 4 of the title strike "and" and on line 5 after "RCW" insert "; creating a new section"

On motion of Senator West, Engrossed Senate Bill No. 6269 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Anderson, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6269.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6269 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 2; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senator Niemi - 1.

Absent: Senators Bauer, Sellar - 2.

Excused: Senators Matson, McCaslin - 2.

ENGROSSED SENATE BILL NO. 6269, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Craswell assumed the Chair.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5993, by Committee on Energy and Utilities (originally sponsored by Senators Benitz, Stratton, Newhouse and Hayner)

Promoting the use of one thousand acres leased on the Hanford reservation.

MOTIONS

On motion of Senator Benitz, Second Substitute Senate Bill No. 5993 was substituted for Substitute Senate Bill No. 5993 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Benitz, Second Substitute Senate Bill No. 5993 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5993.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5993 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senator Moore - 1.

Absent: Senator Sellar - 1.

Excused: Senators Matson, McCaslin - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5993, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Vice President Pro Tempore advanced the Senate to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5290, by Committee on Environment and Natural Resources (originally sponsored by Senators Metcalf, DeJarnatt, Benitz, Rasmussen, Barr and Gaspard)

Enhancing salmon resources.

MOTION

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5290 was returned to second reading and read the second time.

MOTIONS

On motion of Senator Metcalf, the following amendments by Senators Metcalf and Owen were considered simultaneously and were adopted:

On page 1, line 17, after "facility" and before the comma insert "or regional enhancement group project"

On page 2, line 5, after "program" strike all material down to and including "program" on page 2, line 6

Beginning on page 2, line 36, after "to:" strike all material down to "council" on page 3, line 8 and insert "Annual review of salmon production, harvest management, and habitat management programs"

On motion of Senator Metcalf, Engrossed Substitute Senate Bill No. 5290 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5290.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5290 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Matson, McCaslin - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5290, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Vice President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 6377, by Senators Metcalf, DeJarnatt, Vognild and Kreidler
Creating penalties for violations of fisheries laws.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 6377 was substituted for Senate Bill No. 6377 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, Substitute Senate Bill No. 6377 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6377.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6377 and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; excused, 2.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Warnke, West, Williams, Wojahn - 42.

Voting nay: Senators Anderson, Patterson, Rasmussen, Vognild, von Reichbauer - 5.

Excused: Senators Matson, McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 6377, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:03 p.m., on motion of Senator Newhouse, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:58 p.m. by President Pro Tempore Bluechel.

MOTION

On motion of Senator Bauer, Senators Conner, Fleming and Talmadge were excused.

SECOND READING

SENATE BILL NO. 5007, by Senators Lee, McMullen, Anderson, Conner and Johnson

Establishing the international marketing internship program.

MOTIONS

On motion of Senator Lee, Second Substitute Senate Bill No. 5007 was substituted for Senate Bill No. 5007 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, Second Substitute Senate Bill No. 5007 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5007.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5007 and the bill passed the Senate by the following vote: Yeas, 42; absent, 2; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick,

Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 42.

Absent: Senators Patterson, West - 2.

Excused: Senators Conner, Fleming, Matson, McCaslin, Talmadge - 5.

SECOND SUBSTITUTE SENATE BILL NO. 5007, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5104, by Senators Anderson, Lee and McMullen

Providing technical assistance for self-help projects.

MOTIONS

On motion of Senator Lee, Second Substitute Senate Bill No. 5104 was substituted for Senate Bill No. 5104 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, Second Substitute Senate Bill No. 5104 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5104.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5104 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Vognild - 1.

Excused: Senators Conner, Matson, McCaslin, Talmadge - 4.

SECOND SUBSTITUTE SENATE BILL NO. 5104, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senators Bauer and Vognild were excused.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5203, by Committee on Ways and Means (originally sponsored by Senators Anderson and Lee)

Establishing the Washington state self-employment loan program.

MOTIONS

On motion of Senator Lee, Third Substitute Senate Bill No. 5203 was substituted for Second Substitute Senate Bill No. 5203 and the third substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, Third Substitute Senate Bill No. 5203 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Third Substitute Senate Bill No. 5203.

ROLL CALL

The Secretary called the roll on the final passage of Third Substitute Senate Bill No. 5203 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen,

McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Excused: Senators Bauer, Conner, Matson, McCaslin, Talmadge, Vognild - 6.

THIRD SUBSTITUTE SENATE BILL NO. 5203, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6453, by Senators Sellar and Barr

Authorizing the supervisor of banking to examine agricultural lenders participating in loan guaranty programs.

MOTIONS

On motion of Senator Sellar, Substitute Senate Bill No. 6453 was substituted for Senate Bill No. 6453 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sellar, Substitute Senate Bill No. 6453 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6453.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6453 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Bauer, Conner, Matson, McCaslin, Talmadge - 5.

SUBSTITUTE SENATE BILL NO. 6453, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6868, by Senators Stratton, Smith, Bailey, Vognild, Talmadge, Craswell, Owen, McMullen, Saling and West

Modifying guardianship provisions regarding incapacitated persons.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6868 was substituted for Senate Bill No. 6868 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Stratton, the following amendments were considered simultaneously and were adopted:

On page 18, on line 9, after "court," insert "If the court orders the guardian ad litem to perform further duties or obligations, they shall not be performed at county expense."

On page 48, line 6, after "reasonable," insert "Guardians and limited guardians shall not be compensated at public expense."

On page 49, after line 1, insert the following:

"NEW SECTION. Sec. 38. This act shall take effect on July 1, 1991."

MOTIONS

On motion of Senator Stratton, the following title amendment was adopted:

On page 1, line 8 of the title strike "and" and after "11.92 RCW" insert "and providing an effective date"

On motion of Senator Smith, Engrossed Substitute Senate Bill No. 6868 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Smith: "Senator Stratton, is it the intent of Section 6(1)(b) to restate the attorney's duty to represent the client's interests and wishes?"

Senator Stratton: "Yes, Senator Smith, this section restates the attorney's duty to represent the clients wishes. The attorney's duty is found in Section 1.2 of the Rules of Professional Conduct, which states: 'The lawyer shall abide by a client's decisions concerning the objectives of representation.' The provision is included in this bill to ensure that the attorney does not substitute his or her own judgment for the client, based upon the client's alleged incapacity."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6868.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6868 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Conner, Matson, McCaslin, Talmadge - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6868, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6474, by Senators Williams, von Reichbauer, Moore, Rinehart, Niemi, Talmadge and Murray

Changing provisions relating to purchase and sale of property and policy decisions by certain public corporations.

MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 6474 was substituted for Senate Bill No. 6474 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Williams, Substitute Senate Bill No. 6474 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Nelson: "Senator Williams, I have a two part question, the first one being that in this measure where we've now defined public markets, I find that we're including property within the area or the district that may be used for such purposes as human services and low income or moderate income housing and I'm wondering if because of that definition we include other properties or so called public markets beyond that of the Pike Place Market in Seattle. Perhaps you can expand on why we've included such things under public markets to include retail activities beyond that of marketing of foods."

Senator Williams: "I'm not sure, Senator Nelson, that I can give you a good answer to that. This is the language that the city attorneys for the city of Seattle prepared for us in the contingency, if the contingency should occur, that no resolution could be made and it looks like we in the city might be losing control of the market and seeing an irreversible change in it. So, the specifics of the language, I don't claim to be author for, nor do I know in detail exactly why certain wording is in there, but it is wording that the city of Seattle attorneys brought to us, and I have a fair amount of confidence in their rational for that within their own minds. I don't know if anyone else has an answer."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6474.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6474 and the bill passed the Senate by the following vote: Yeas, 37; nays, 7; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bender, Benitz, Bluechel, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Moore, Murray, Nelson, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 37.

Voting nay: Senators Barr, Cantu, Craswell, Hayner, Metcalf, Newhouse, Patterson - 7.

Absent: Senator Bauer - 1.

Excused: Senators Conner, Matson, McCaslin, Talmadge - 4.

SUBSTITUTE SENATE BILL NO. 6474, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION TO LIMIT DEBATE

Senator Newhouse: "Mr. President, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time. This motion shall be in effect through February 13, 1990."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Newhouse to limit debate.

The motion by Senator Newhouse carried and debate was limited to three minutes through February 13, 1990.

SECOND READING

SENATE BILL NO. 6764, by Senators Rinehart, Bailey and Fleming

Creating community support programs in education.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 6764 was substituted for Senate Bill No. 6764 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, Substitute Senate Bill No. 6764 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6764.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6764 and the bill passed the Senate by the following vote: Yeas, 32; nays, 12; absent, 1; excused, 4.

Voting yea: Senators Amondson, Bailey, Bender, Benitz, Bluechel, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, Lee, Madsen, McMullen, Moore, Murray, Nelson, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 32.

Voting nay: Senators Anderson, Barr, Cantu, Craswell, Hayner, Johnson, McDonald, Metcalf, Newhouse, Patterson, Thorsness, West - 12.

Absent: Senator Bauer - 1.

Excused: Senators Conner, Matson, McCaslin, Talmadge - 4.

SUBSTITUTE SENATE BILL NO. 6764, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6816, by Senators Anderson, Bailey and Barr

Exempting milk pumping from the special fuel tax.

The bill was read the second time.

MOTION

On motion of Senator Anderson, Senate Bill No. 6816 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6816.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6816 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Thorsness, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nays: Senator Smitherman - 1.

Excused: Senators Conner, Matson, McCaslin, Talmadge - 4.

SENATE BILL NO. 6816, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6771, by Senators Lee, Talmadge, Anderson, McMullen and Patrick

Studying the placement of electric transmission lines and magnetic fields.

MOTIONS

On motion of Senator Benitz, Substitute Senate Bill No. 6771 was substituted for Senate Bill No. 6771 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the following amendments by Senators Lee, Benitz and Williams were considered simultaneously and were adopted:

On page 1, line 11, after "options" strike "are" and insert "may be"

On page 1, line 12, after "lines" strike all material through "fields" on line 13

On page 1, line 22, strike "minimizing" and insert "limiting"

On page 1, line 27, strike "minimize" and insert "limit"

Debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 6771 was deferred.

SECOND READING

SENATE BILL NO. 6330, by Senators Benitz and Rasmussen (by request of Attorney General)

Amending consumer protection provisions.

MOTIONS

On motion of Senator Benitz, Substitute Senate Bill No. 6330 was substituted for Senate Bill No. 6330 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benitz, the following amendments were considered simultaneously and were adopted:

On page 3, line 21, after "for" strike "the demand recipient" and insert "any person"

On page 3, line 22, after "demand" strike "during the pendency of the investigation"

On page 4, line 9, after "presented" strike everything through "agency" on line 21 and insert "except with the approval of the court in which action is pending after adequate notice to the person furnishing such material, answers to written interrogatories, or oral testimony"

On motion of Senator Benitz, Engrossed Substitute Senate Bill No. 6330 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6330.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6330 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Conner, Matson, McCaslin, Talmadge - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6330, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

February 9, 1990

Due to an unavoidable date in court, I missed the votes on Second Substitute Senate Bill No. 5007, Second Substitute Senate Bill No. 5104, Third Substitute Senate Bill No. 5203, Substitute Senate Bill No. 6453, Engrossed Substitute Senate Bill No. 6868, Substitute Senate Bill No. 6474, Substitute Senate Bill No. 6764, Senate Bill No. 6816 and Engrossed Substitute Senate Bill No. 6330. I would have voted 'aye' on all these measures, except Senate Bill No. 6816 and Engrossed Substitute Senate Bill No. 6330 on which I would have voted 'no.'

SENATOR PHIL TALMADGE, 34th District

SECOND READING

SENATE BILL NO. 6292, by Senators Hansen and Rasmussen

Making owners of mosquito infested land responsible for their control.

The bill was read the second time.

MOTION

On motion of Senator Barr, Senate Bill No. 6292 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage. Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6292.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6292 and the bill passed the Senate by the following vote: Yeas, 40; nays, 6; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Voting nay: Senators Amondson, Craswell, Murray, Nelson, Sutherland, Thorsness - 6.

Excused: Senators Conner, Matson, McCaslin - 3.

SENATE BILL NO. 6292, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6454, by Senators Rasmussen, McCaslin, Warnke, Bauer and Johnson

Permitting the conversion of single family residences to include separate living quarters.

The bill was read the second time.

MOTION

On motion of Senator Thorsness, Senate Bill No. 6454 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6454.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6454 and the bill passed the Senate by the following vote: Yeas, 38; nays, 9; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Warnke, West, Wojahn - 38.

Voting nay: Senators Bluechel, Fleming, Moore, Murray, Niemi, Rinehart, Talmadge, Vognild, Williams - 9.

Excused: Senators Matson, McCaslin - 2.

SENATE BILL NO. 6454, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6771, deferred on second reading earlier today.

MOTION

Senator Williams moved that the following amendment be adopted:

On page 2, after line 4, strike the remainder of the act, and insert a new section as follows:
NEW SECTION, Sec. 4. The sum of eighty thousand dollars, or as much thereof as necessary, is appropriated for the biennium ending June 30, 1991, from the public service revolving fund to the state energy office for the purposes of this act."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Williams on page 2, after line 4, to Substitute Senate Bill No. 6771.

The motion by Senator Williams failed and the amendment was not adopted.

MOTION

On motion of Senator Benitz, Engrossed Substitute Senate Bill No. 6771 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6771.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6771 and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senators Owen, Smith - 2.

Excused: Senators Matson, McCaslin - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6771, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

SECOND READING

SENATE BILL NO. 6729, by Senators Nelson, Talmadge, McCaslin, Rasmussen, Newhouse, Niemi, Thorsness, Hayner, Madsen and Patrick

Providing for DNA identification.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6729 was substituted for Senate Bill No. 6729 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, Substitute Senate Bill No. 6729 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6729.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6729 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senator Niemi - 1.

Absent: Senator Owen - 1.

Excused: Senators Matson, McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 6729, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6562, by Senators Craswell, Smitherman, Owen and Kreidler

Creating additional superior court positions in Kitsap and Thurston counties.

The bill was read the second time.

MOTION

On motion of Senator Craswell, Senate Bill No. 6562 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6562.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6562 and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 45.

Absent: Senators Hansen, Williams - 2.

Excused: Senators Matson, McCaslin - 2.

SENATE BILL NO. 6562, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6418, by Senators Barr, Warnke, West, Wojahn, Patterson, Rinehart, Smitherman, Newhouse, Owen, Smith, Amondson, Bauer, DeJarnatt, Williams, Talmadge, Hansen, Conner, Madsen and Kreidler (by request of Governor Gardner)

Expanding rural health care opportunities.

MOTIONS

On motion of Senator West, Second Substitute Senate Bill No. 6418 was substituted for Senate Bill No. 6418 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator West, Second Substitute Senate Bill No. 6418 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6418.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6418 and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Paterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senators DeJarnatt, Vognild - 2.

Excused: Senators Matson, McCaslin - 2.

SECOND SUBSTITUTE SENATE BILL NO. 6418, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6305, by Senators Saling, Vognild, Bauer, Stratton, Smitherman, Warnke, von Reichbauer and Moore

Changing exemptions for tuition and services and activities fees.

MOTIONS

On motion of Senator Saling, Substitute Senate Bill No. 6305 was substituted for Senate Bill No. 6305 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Saling, Substitute Senate Bill No. 6305 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6305.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6305 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patrick, Paterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Voting nay: Senator Murray - 1.

Excused: Senators Matson, McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 6305, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6255, by Senators Nelson, Talmadge, Bailey, Anderson, Hayner, Johnson, Sutherland, McCaslin, Warnke and Patrick

Increasing penalties for assaulting transit and school bus drivers.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6255 was substituted for Senate Bill No. 6255 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, Substitute Senate Bill No. 6255 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6255.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6255 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Craswell - 1.

Excused: Senators Matson, McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 6255, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6600, by Senators Gaspard and McDonald (by request of Economic and Revenue Forecast Council)

Modifying contribution rates to the state retirement systems.

MOTIONS

On motion of Senator McDonald, Substitute Senate Bill No. 6600 was substituted for Senate Bill No. 6600 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDonald, Substitute Senate Bill No. 6600 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6600.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6600 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Matson, McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 6600, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6535, by Senators Lee and Smitherman

Revising provisions for private activity bond allocation ceilings.

The bill was read the second time.

MOTION

On motion of Senator Lee, Senate Bill No. 6535 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6535.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6535 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Matson, McCaslin - 2.

SENATE BILL NO. 6535, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Smith, Senator Anderson was excused.

SECOND READING

SENATE BILL NO. 6653, by Senators Kreidler, Metcalf and Benitz

Clarifying provisions relating to excise taxation of core deposits.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, Senate Bill No. 6653 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6653.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6653 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Anderson, Matson, McCaslin - 3.

SENATE BILL NO. 6653, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6515, by Senators Lee, Williams, Moore, Matson, Talmadge and Warnke (by request of Department of Community Development)

Providing for the preservation of historic sites.

The bill was read the second time.

MOTION

On motion of Senator Lee, Senate Bill No. 6515 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6515.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6515 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Smith - 1.

Excused: Senators Matson, McCaslin - 2.

SENATE BILL NO. 6515, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6520, by Senators Lee, Talmadge, Anderson, Sutherland, Patrick, Thorsness, Barr, McMullen, Williams and Bauer

Giving the department of health responsibility for matters relating to nonionizing radiation.

The bill was read the second time.

MOTION

On motion of Senator Benitz, Senate Bill No. 6520 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6520.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6520 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Matson, McCaslin - 2.

SENATE BILL NO. 6520, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5593, by Senators Patterson, DeJarnatt, McMullen, Nelson, Thorsness, Barr and von Reichbauer (by request of Department of Transportation)

Conforming vehicle length requirements to federal law.

The bill was read the second time.

MOTION

On motion of Senator Patterson, Senate Bill No. 5593 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wojahn: "Senator Patterson, I just want your assurance that this does not open the door for triple trailers in our state."

Senator Patterson: "There's no question about it, it will open the door."

Senator Wojahn: "It will? You mean this is the forerunner for triple trailers?"

Senator Patterson: "No, I've got another bill that will do that. No, this bill has nothing to do with triple trailers."

Senator Wojahn: "You promise?"

Senator Patterson: "Yes."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5593.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5593 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Matson, McCaslin - 2.

SENATE BILL NO. 5593, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5996, by Senators Benitz and Hayner

Authorizing feasibility study of waste management education.

MOTIONS

On motion of Senator Benitz, Second Substitute Senate Bill No. 5996 was substituted for Senate Bill No. 5996 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Benitz, Second Substitute Senate Bill No. 5996 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5996.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5996 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Vognild - 1.

Excused: Senators Matson, McCaslin - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5996, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Vognild was excused.

SECOND READING

SENATE BILL NO. 6193, by Senators Saling, Fleming, Bailey, Rinehart, Patrick, Conner, Johnson, Stratton and Sutherland

Including middle and junior high school students in the mathematics, engineering, and science achievement program.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 6193 was substituted for Senate Bill No. 6193 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, Substitute Senate Bill No. 6193 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6193.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6193 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Benitz - 1.

Excused: Senators Matson, McCaslin, Vognild - 3.

SUBSTITUTE SENATE BILL NO. 6193, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6412, by Senators McDonald, Vognild, Bluechel, Nelson, Warnke, Rinehart, Gaspard, Bailey, Lee, Patrick, Bender, McMullen, Talmadge, Murray, Williams, Bauer, DeJarnatt, Stratton, Metcalf, Conner, Madsen and Kreidler (by request of Governor Gardner)

Funding the acquisition of land for wildlife conservation and outdoor recreation.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 6412 was substituted for Senate Bill No. 6412 and the substitute bill was placed on second reading and read the second time.

Senator Barr moved that the following amendments by Senators Barr, Hansen, Rasmussen and Patterson be considered simultaneously and be adopted:

On page 2, line 14, strike "wintering range for deer, elk, and other species"

On page 3, line 5, after "Sec. 4. (1)" insert "Except as provided in section 13 of this act."

On page 3, line 30, strike "thirty-five" and insert "ten"

On page 3, line 31, after "habitat" insert ", except that projects funded under this category that are located east of the crest of the Cascades shall be limited to small acreages"

On page 3, line 34, strike "fifteen" and insert "forty"

On page 8, line 22, strike "thirty-one" and insert "twenty-four"

On page 8, line 24, strike "thirty-one" and insert "thirty-eight"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Barr, Hansen, Rasmussen and Patterson on page 2, line 14; page 3, lines 5, 30, 31, and 34; and page 8, lines 22 and 24; to Substitute Senate Bill No. 6412.

The motion by Senator Barr failed and the amendments were not adopted on a standing vote.

MOTION

Senator Anderson moved that the following amendments by Senators Anderson, Metcalf and McMullen be considered simultaneously and be adopted:

On page 6, after line 6, add a new subsection and renumber subsections accordingly

"(6)The committee shall not accept any project application unless accompanied by a statement of support from a majority of the members of the local governing body."

On page 7, after line 18, add a new subsection and renumber subsections accordingly

"(6)The committee shall not accept any project application unless accompanied by a statement of support from a majority of the members of the local governing body."

POINT OF INQUIRY

Senator Saling: "Senator Anderson, I don't find a definition in the section in the bill dealing with definitions of a local governing body. I do find local agencies. Do you have a definition of what that is?"

Senator Anderson: "Senator Saling, I do not have a definition. It was my understanding that if it was a city entity, that government was to apply. If it was a county entity, it would be county government."

Senator Saling: "Well, all cities are in counties. What if one body says one thing, another body says the other, or what if the property in question lies in both the city and the county, what agency would rule? What would the local governing body be?"

Senator Anderson: "Senator Saling, from my discussions on this amendment, if the property were located solely within the county, then it would be the county agency. If the property were located solely within the city, it would be the city government and I would think that if you would have a joint property, then it would be the majority of the members from the joint governing bodies."

Senator Saling: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Anderson, Metcalf and McMullen on page 6, after line 6 and page 7, after line 18, to Substitute Senate Bill No. 6412.

The motion by Senator Anderson failed and the amendments were not adopted.

MOTION

On motion of Senator Metcalf, the following amendment was adopted:

On page 6, line 20, after "requirement" insert ", and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project"

MOTION

On motion of Senator McDonald, Engrossed Substitute Senate Bill No. 6412 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, when the Evans-Lowry team went through here like a whirlwind, I thought it was four hundred seventy-five million that they were talking about?"

Senator McDonald: "Actually, it's four hundred and fifty million, Senator Rasmussen. The coalition that put together--hopefully a referendum that would be approved by the Legislature--and sent on to the voters for their approval. It was the determination of the Governor that he would wish that instead that we would go this route and then take a look at the entire appropriations or the entire capital funding scheme for the many things that are before us. The coalition said that they would join with him in doing that overall evaluation, but in the meantime that this sixty-two million would be for lands that could be purchased that are not going to be available a year from now. So, that's basically the genesis. I think that you will see a proposal that would be a referendum for the remainder of that money."

Senator Rasmussen: "Let me ask one further question, if I may. This is sixty-one million and then there will be four hundred and fifty million more?"

Senator McDonald: "No, I would think that it would be whatever the difference is--three hundred and ninety million for a referendum."

Senator Rasmussen: "And then one more question, if I may? This is to buy a habitat where the deer and the antelope and the elk can play? Are we going to have a bond issue for a habitat for the homeless?"

Senator McDonald: "Certainly, Senator Rasmussen, that would be subject, I think, of other bills, and I think we've actually passed one today that would make a real difference for people that are homeless."

Senator Rasmussen: "Maybe we should consider amending this in the House to provide a place for the homeless to camp. They have new cardboard boxes they are making for them and they can live in the wilderness now. I read about that in Popular Mechanics someplace."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6412.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6412 and the bill passed the Senate by the following vote: Yeas, 38; nays, 9; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Conner, DeJarnatt, Fleming, Gaspard, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Owen, Patrick, Rasmussen, Rinehart, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 38.

Voting nay: Senators Barr, Cantu, Craswell, Hansen, Hayner, Newhouse, Patterson, Saling, Sellar - 9.

Excused: Senators Matson, McCaslin - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6412, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6861, by Senators Bailey, Gaspard, Barr, Hansen and Anderson

Monitoring the impact of certain substances upon the dairy industry.

The bill was read the second time.

MOTION

On motion of Senator Barr, Senate Bill No. 6861 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6861.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6861 and the bill passed the Senate by the following vote: Yeas, 31; nays, 16; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Kreidler, Madsen, McMullen, Metcalf, Moore, Murray, Newhouse, Owen, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Sutherland, Thorsness, Warnke - 31.

Voting nay: Senators Bender, Bluechel, Johnson, Lee, McDonald, Nelson, Niemi, Patrick, Sellar, Stratton, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 16.

Excused: Senators Matson, McCaslin - 2.

SENATE BILL NO. 6861, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator McMullen was excused.

SECOND READING

SENATE BILL NO. 6531, by Senator Patterson

Authorizing port districts to spend money on road improvements.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 6531 was substituted for Senate Bill No. 6531 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, Substitute Senate Bill No. 6531 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6531.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6531 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Barr - 1.

Excused: Senators Matson, McCaslin, McMullen - 3.

SUBSTITUTE SENATE BILL NO. 6531, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Johnson was excused.

SECOND READING

SENATE BILL NO. 6663, by Senators Patterson, DeJarnatt, Thorsness and Rasmussen (by request of Department of Licensing)

Authorizing special license plates and emblems.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 6663 was substituted for Senate Bill No. 6663 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, Substitute Senate Bill No. 6663 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6663.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6663 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Johnson, Matson, McCaslin, McMullen - 4.

SUBSTITUTE SENATE BILL NO. 6663, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6549, by Senators Smith, Sutherland and Bauer

Changing the term "salary" to "compensation" for public utility district employees.

The bill was read the second time.

MOTION

On motion of Senator Thorsness, Senate Bill No. 6549 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Sutherland: "Senator Smith, is it correct to say this bill merely clarifies what public utility districts may already lawfully undertake, namely negotiating competitive 'fair market' terms of employment between the district and its general

manager, just as any school district or port district or, for that matter, any competing private utility, may do?"

Senator Smith: "Yes."

Senator Sutherland: "And this is because a public utility district acts in its proprietary or business capacity when it negotiates the terms of employment with its general manager and because of the express mandate for liberal construction of public utility district powers found in the public utility district initiative originally enacted by the voters in 1931, and also found in RCW 54.44.900?"

Senator Smith: "Yes."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6549.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6549 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senator Rasmussen - 1.

Excused: Senators Johnson, Matson, McCaslin, McMullen - 4.

SENATE BILL NO. 6549, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6842, by Senator Amondson

Changing considerations of the committee for recycling markets.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, Senate Bill No. 6842 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6842.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6842 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Johnson, Matson, McCaslin, McMullen - 4.

SENATE BILL NO. 6842, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:49 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Saturday, February 10, 1990.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

THIRTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, February 10, 1990

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Fleming, Gaspard, Kreidler, Matson, McCaslin, McDonald, Owen, Sutherland, Talmadge, West, Williams and Wojahn. On motion of Senator Bender, Senators Fleming, Gaspard, Owen, Talmadge, Williams and Wojahn were excused. On motion of Senator Anderson, Senators Matson and McCaslin were excused.

The Sergeant at Arms Color Guard, consisting of Pages Brandie Era and Erica Olmsted, presented the Colors. Reverend Vickie Lafser, pastor of the Unity Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

February 9, 1990

Mr. President:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1291,

SUBSTITUTE HOUSE BILL NO. 2451,

HOUSE BILL NO. 2465,

HOUSE BILL NO. 2542,

ENGROSSED HOUSE BILL NO. 2777, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 8, 1990

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2252,

HOUSE BILL NO. 2432,

SUBSTITUTE HOUSE BILL NO. 2566,

SUBSTITUTE HOUSE BILL NO. 2601,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2603,

ENGROSSED HOUSE BILL NO. 2606,

ENGROSSED HOUSE BILL NO. 2617,

ENGROSSED HOUSE BILL NO. 2638,

SUBSTITUTE HOUSE BILL NO. 2642,

SUBSTITUTE HOUSE BILL NO. 2643,

HOUSE BILL NO. 2695,

SUBSTITUTE HOUSE BILL NO. 2742,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2910,

SUBSTITUTE HOUSE BILL NO. 2925, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 9, 1990

Mr. President:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1366,

SECOND SUBSTITUTE HOUSE BILL NO. 2077,

SECOND SUBSTITUTE HOUSE BILL NO. 2122,

HOUSE BILL NO. 2330,

SUBSTITUTE HOUSE BILL NO. 2336,

SUBSTITUTE HOUSE BILL NO. 2457,

HOUSE JOINT RESOLUTION NO. 4227, and the same are herewith transmitted.
ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 1291 by Committee on Natural Resources and Parks (originally sponsored by Representatives Belcher, Brumsickle, Sayan, Wang, K. Wilson, Raiter, Dellwo, Bowman, Day, Rector, Nelson, Todd, Jacobsen and Sprenkle)

Designating additional components of the scenic river system.

Referred to Committee on Environment and Natural Resources.

2SHB 1366 by Committee on Appropriations (originally sponsored by Representatives Haugen, Cole, Vekich, Leonard and Scott)

Modifying the regulation of cosmetologists.

Referred to Committee on Economic Development and Labor.

2SHB 2077 by Committee on Appropriations (originally sponsored by Representatives Brooks, Dellwo, Ballard, Rust, Rector, Grant, Anderson, Wolfe, Miller, Winsley, D. Sommers, Ferguson, Crane and Jacobsen)

Establishing a network for the reporting of cancer cases.

Referred to Committee on Health and Long-Term Care.

2SHB 2122 by Committee on Appropriations (originally sponsored by Representative Hargrove)

Making changes regarding dependency proceedings.

Referred to Committee on Law and Justice.

HB 2330 by Representatives Haugen, Ferguson, Cooper, Wang, Raiter, Horn, Zellinsky, Jones, Brumsickle, Basich, Kremen, McLean, Todd, Nealey, Ballard, Morris and Kirby

Modifying levy rate provisions for senior and junior taxing districts.

Referred to Committee on Governmental Operations.

SHB 2336 by Committee on Judiciary (originally sponsored by Representatives O'Brien, Wineberry, Anderson, Rector, Jones, Baugher, Hargrove, P. King, Ferguson, Jacobsen, Crane, Winsley, Schoon, Wolfe, Locke and Silver)

Increasing penalties for the manufacture, sale, or delivery of controlled substances on public buses, and on or near bus stops and public parks.

Referred to Committee on Law and Justice.

ESHB 2252 by Committee on Health Care (originally sponsored by Representatives Braddock, Prentice, Sayan, Vekich, Brekke, Wineberry, Todd, Nelson, H. Sommers, Cole, Spanel and Scott)

Establishing the Washington universal health access and containment commission.

Referred to Committee on Health and Long-Term Care.

HB 2432 by Representatives Heavey, Beck, Hargrove, Ebersole, Kremen, Vekich, Cole, Grant, Jacobsen, Sprenkle, Rust, Scott, Wang, Crane, R. Fisher, Rector, Wineberry, Jones, Dellwo, Basich, R. King and Spanel

Revising provisions for unemployment compensation during labor disputes.

Referred to Committee on Economic Development and Labor.

SHB 2451 by Committee on Health Care (originally sponsored by Representatives Prentice, D. Sommers, Sprenkle, Rayburn, Ferguson, Day, Moyer, Rector, P. King, Wang, Spanel and Brekke)

Authorizing advanced registered nurse practitioners to prescribe certain drugs.

Referred to Committee on Health Long-Term Care.

SHB 2457 by Committee on Commerce and Labor (originally sponsored by Representatives Wolfe, Jones, R. King, Silver, Padden, Walker, Leonard, Tate, Cole, D. Sommers, Moyer and Winsley)

Regulating employment listing or employment information services.

Referred to Committee on Economic Development and Labor.

HB 2465 by Representatives May, Braddock, Hankins, Leonard, Brooks, Prentice, Miller, Jacobsen, Brough, R. Meyers, Ferguson, S. Wilson, Silver, Sayan, Nealey, Cole, Scott, Horn, Sprenkle, Rust, Vekich, Spanel, Dellwo, Appelwick, Schmidt, Rasmussen, Morris, Anderson, Chandler, Jesernig, Cantwell, Betrozoff, Holland, Rector, Wineberry, Wang, Smith and Brekke

Revising the natural death act.

Referred to Committee on Health and Long-Term Care.

HB 2542 by Representatives Youngsman, Appelwick, Padden, Locke, Belcher, Doty, Silver, Nealey, Walker, Rector, Dellwo, Bowman, Horn, Rayburn, Miller, Fuhrman, Kremen, Ballard, May, Schoon, Forner, Wood, Tate, Brumsickle, Rasmussen, Cooper and Sprenkle

Forfeiting vehicles used in illegal transfers of controlled substances.

Referred to Committee on Law and Justice.

SHB 2566 by Committee on Health Care (originally sponsored by Representatives Kirby, Wolfe, Rayburn, Baugher, Brooks, Moyer, Fuhrman, Grant, Jesernig, Rector, Dellwo, Bowman, Scott, Sayan, Jones, Haugen, Miller, Kremen, Ballard, Spanel, Silver, Schoon, Doty, H. Myers, Brumsickle, Youngsman, Todd, Inslee, Rasmussen, McLean and Prentice) (by request of Governor Gardner)

Expanding rural health care opportunities.

Referred to Committee on Health and Long-Term Care.

SHB 2601 by Committee on Health Care (originally sponsored by Representatives Belcher, Brooks, Hine, Dellwo, Brough, Sprenkle, Winsley, Scott, McLean, Morris, Jacobsen, Miller, Prentice, Wang, Leonard, Spanel, Nutley, R. Fisher, Todd, Haugen, Nelson, Grant, Brekke, H. Sommers, Beck, S. Wilson, Schmidt, Hankins, Pruitt, Bowman, Ferguson, May, Fraser, G. Fisher, Cole, Vekich, Dorn, Locke, Anderson, P. King, Basich, Valle, Crane, Wineberry, Jesernig, Rector, Holland, Forner, Wood, R. Meyers, R. King, Jones, Ebersole and Cooper)

Creating a comprehensive program for pregnancy prevention and support for women and their partners.

Referred to Committee on Children and Family Services.

ESHB 2603 by Committee on Health Care (originally sponsored by Representatives Vekich, Prentice, Brooks, Dellwo, O'Brien, Heavey, Basich, G. Fisher, Valle, Jacobsen, Wineberry, Leonard, Pruitt, Wang, Phillips, Winsley, Sprenkle, Kremen, Holland, Haugen, Hine,

Wood, R. King, Moyer, Jones, Ebersole, Scott, Brekke, Morris, Todd and Spanel) (by request of Governor Gardner)

Enhancing availability of medical care for children.

Referred to Committee on Health and Long-Term Care.

EHB 2606 by Representatives Ferguson, Beck, Haugen, Ballard, Jones, Chandler, Nutley, Winsley, Anderson, Miller, Van Luven, Holland, Nealey, Fuhrman, Forner, Raiter, Wolfe, Doty, Wood, Cooper, Tate, Youngsman, Zellinsky, D. Sommers, Nelson, Sayan, Wineberry, K. Wilson, Phillips, Belcher, Dorn, Day, Crane, Baugher, Wang, Dellwo, Jacobsen, Rector, Kremen, Padden, Smith, Horn, Betzoff, Moyer, Scott, Bowman, Hankins and Schoon

Requiring disclosure of the right to cancel mortgage insurance.

Referred to Committee on Financial Institutions and Insurance.

EHB 2617 by Representatives G. Fisher, Hine, Rust, Prentice, Todd, Heavey, Valle and Jacobsen

Establishing a jet aircraft emissions study.

Referred to Committee on Environment and Natural Resources.

EHB 2638 by Representatives Inslee, Dellwo, Chandler, Crane, R. King, Brekke and Rector

Revising provisions for sale and renewal of automobile insurance.

Referred to Committee on Financial Institutions and Insurance.

SHB 2642 by Committee on Appropriations (originally sponsored by Representatives Sayan, McLean, Hine, D. Sommers, H. Sommers, Silver and Spanel) (by request of Joint Committee on Pension Policy)

Changing provisions relating to the department of retirement systems.

Referred to Committee on Ways and Means.

SHB 2643 by Committee on Appropriations (originally sponsored by Representatives Hine, D. Sommers, Sayan, McLean, H. Sommers, Silver, R. King, Anderson, Winsley and Spanel) (by request of Joint Committee on Pension Policy)

Changing survivorship options for members of state retirement systems.

Referred to Committee on Ways and Means.

HB 2695 by Representatives Vekich, R. King, Leonard, Cole, Prentice, Jones, Rector and Basich

Revising provisions for industrial insurance vocational rehabilitation services.

Referred to Committee on Economic Development and Labor.

SHB 2742 by Committee on Education (originally sponsored by Representatives Dorn, Ebersole, Ferguson, Jones, Jacobsen, Crane, Wineberry and Rasmussen)

Establishing the state board for vocational technical institutes.

Referred to Committee on Higher Education.

EHB 2777 by Representatives Haugen, Wang, Zellinsky, Horn, Raiter, Nealey, Cooper, Ferguson, Nelson, Nutley, Wood, Rayburn, Phillips, Baugher, Kremen, May and Todd

Modifying provisions regarding local government tax levies.

Referred to Committee on Governmental Operations.

E2SHB 2910 by Committee on Appropriations (originally sponsored by Representatives Sayan, Moyer, Brekke, Leonard, Hine, Belcher, Brooks, Spanel, Wineberry, Valle, Van Luven, Anderson,

Winsley, R. King, Jacobsen, Wang, Basich, Wolfe, Brumsickle, O'Brien, Ferguson, R. Meyers, Phillips, Grant, Heavey, Todd, Dellwo, P. King, Cole, Scott, Ebersole, Tate, Berozoff, Walker, Bowman, Cooper, Raiter, Crane, Gallagher, Miller, Rayburn, Rasmussen, Vekich, Holland, Peery, Rust, Jones, Wood, Appelwick, Locke, Beck, Morris, Day, Padden, R. Fisher, Nutley, Fraser, Pruitt, Hargrove, Rector, Zellinsky, Smith, May, Hankins, D. Sommers, Fuhrman and Nelson)

Providing guidelines for establishing grant standards for income assistance programs.

Referred to Committee on Ways and Means.

SHB 2925 by Committee on Appropriations (originally sponsored by Representatives Wang, Holland, Locke and Hine) (by request of Economic and Revenue Forecast Council)

Modifying contribution rates to the state retirement systems.

Referred to Committee on Ways and Means.

HJR 4227 by Representatives Haugen, Ferguson, Zellinsky, Wood, Nutley, Nealey, Rayburn, Horn, Cooper, Kirby, Raiter, Scott, Cole, Kremen, Jones, Fraser, Todd, Leonard, Basich, Holland, Phillips, Wang, May and Brough

Amending the Constitution to allow property taxing districts to impose six-year tax levies.

Referred to Committee on Ways and Means.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9171, M. Lyle Jacobsen, as a member of the Higher Education Coordinating Board, was confirmed.

Senator Rasmussen spoke to the confirmation of M. Lyle Jacobsen as a member of the Higher Education Coordinating Board.

APPOINTMENT OF M. LYLE JACOBSEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; absent, 5; excused, 8.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Hansen, Hayner, Johnson, Lee, Madsen, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Thorsness, Vognild, von Reichbauer, Warnke - 36.

Absent: Senators Amondson, Kreidler, McDonald, Sutherland, West - 5.

Excused: Senators Fleming, Gaspard, Matson, McCaslin, Owen, Talmadge, Williams, Wojahn - 8.

MOTION

On motion of Senator Anderson, Senators Amondson, McDonald and West were excused.

SECOND READING

SENATE BILL NO. 6664, by Senators McDonald, Gaspard, Warnke and Rasmussen (by request of Department of Licensing)

Amending the business license center act.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 6664 was substituted for Senate Bill No. 6664 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, Substitute Senate Bill No. 6664 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6664.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6664 and the bill passed the Senate by the following vote: Yeas, 39; excused, 10.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, Williams - 39.

Excused: Senators Amondson, Fleming, Gaspard, Matson, McCaslin, McDonald, Owen, Talmadge, West, Wojahn - 10.

SUBSTITUTE SENATE BILL NO. 6664, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

February 10, 1990

I missed the vote on Gubernatorial Appointment No. 9171 and Substitute Senate Bill No. 6664. I would have voted 'aye' on each.

SENATOR PHIL TALMADGE, 34th District

SECOND READING

SENATE BILL NO. 6450, by Senator McDonald

Expanding the secrecy clause for tax information and administration.

The bill was read the second time.

MOTION

On motion of Senator Craswell, Senate Bill No. 6450 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6450.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6450 and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent, 1; excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Hansen, Johnson, Kreidler, Lee, Madsen, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 40.

Voting nay: Senator Warnke - 1.

Absent: Senator Hayner - 1.

Excused: Senators Fleming, Gaspard, Matson, McCaslin, McDonald, Owen, Wojahn - 7.

SENATE BILL NO. 6450, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6822, by Senators Bluechel, Gaspard, Amondson and Barr

Exempting small timber harvesters from business and occupation tax.

The bill was read the second time.

MOTION

On motion of Senator Bluechel, Senate Bill No. 6822 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bluechel, you have destroyed all my faith. I thought we environmentalists never cut any trees and here you're right out here in front of everybody saying you cut down trees. You're going to lose your badge with the society."

Senator Bluechel: "Senator Rasmussen, it may come as a surprise--I used to own a mill."

Senator Rasmussen: "That's even worse."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6822.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6822 and the bill passed the Senate by the following vote: Yeas, 37; nays, 5; excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McMullen, Metcalf, Nelson, Newhouse, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Warnke, West, Williams - 37.

Voting nay: Senators Moore, Murray, Niemi, Talmadge, Vognild - 5.

Excused: Senators Fleming, Gaspard, Matson, McCaslin, McDonald, Owen, Wojahn - 7.

SENATE BILL NO. 6822, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6585, by Senator Metcalf

Including mussels and clams as enhanced food fish for tax purposes.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 6585 was substituted for Senate Bill No. 6585 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, Substitute Senate Bill No. 6585 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6585.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6585 and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams - 41.

Voting nay: Senators Nelson, Vognild - 2.

Excused: Senators Fleming, Gaspard, Matson, McCaslin, Owen, Wojahn - 6.

SUBSTITUTE SENATE BILL NO. 6585, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6433, by Senators von Reichbauer, Smitherman, Matson, Moore, Johnson, Stratton, West, Patrick, Sellar, Saling, McCaslin, Metcalf, Bailey, Craswell, Owen, Sutherland, McMullen, Hansen, Conner, Anderson, Kreidler, Bluechel, Barr, Wojahn, Amondson, Lee, Madsen, Nelson, Gaspard, Newhouse and Bauer

Exempting insurance agents, brokers, and solicitors from the business and occupation tax.

The bill was read the second time.

MOTION

On motion of Senator Hayner, Senate Bill No. 6433 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, I'm not sure from what we heard in the committee--it seemed that it was a potential tax, not something that they'd been collecting. If they were able to put it in force, they would have the potential of collecting in the future. Then the committee decided that maybe it wasn't a very fair approach. I don't know if it's a direct loss, but I think a potential. If we can collect it, maybe we will get it."

Senator Talmadge: "Senator, my understanding is that they are, in fact, collecting the B&O Tax now on these individuals."

Senator Rasmussen: "Well, I understood they have assessed it, but they were challenging it."

Senator Talmadge: "I just point out, Senator, that when we talk about independent contractors and people who are performing in that capacity, we're not talking just about these agents, but we are talking about a variety of people who perform their work under independent contractors. If we're going to engage in a policy of exempting individuals who perform under an independent contract from the Business and Occupation Tax, we're going to be talking about a large number of people in the state of Washington."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6433.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6433 and the bill passed the Senate by the following vote: Yeas, 38; nays, 5; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McMullen, Metcalf, Moore, Nelson, Newhouse, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Warnke, West, Williams - 38.

Voting nay: Senators McDonald, Murray, Niemi, Talmadge, Vognild - 5.

Excused: Senators Fleming, Gaspard, Matson, McCaslin, Owen, Wojahn - 6.

SENATE BILL NO. 6433, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6440, by Senators von Reichbauer, Rasmussen, Matson, Smitherman, Johnson, Stratton, West, Patrick, Sellar, Saling, McCaslin, Metcalf, Bailey, Craswell, Moore, Owen, Williams, Sutherland, McMullen, Conner, Kreidler, Lee, Nelson, Amondson, Gaspard, Hansen, Anderson, Barr, Bluechel, Wojahn, Newhouse, Madsen and Hayner

Providing amnesty and tax credits for insurance agents, brokers, and solicitors.

MOTIONS

On motion of Senator von Reichbauer, Second Substitute Senate Bill No. 6440 was substituted for Senate Bill No. 6440 and the second substitute bill was placed on second reading and read the second time.

Senator von Reichbauer moved that the following amendment by Senators von Reichbauer and McMullen be adopted:

On page 1, after line 19, insert the following:

*Sec. 2. Section 1, chapter 139, Laws of 1987 and RCW 82.04.260 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, barley into pearl barley, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, or oil manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of twenty-five one-hundredths of one percent through June 30, 1986, and one-eighth of one percent thereafter.

(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of thirty-three one-hundredths of one percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of thirty-three one hundredths of one percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or

unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of thirty percent. If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(14) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of one percent. The measure of tax on insurance commissions earned by an insurance agent, insurance broker, or insurance solicitor shall be the gross commission retained by that particular agent, broker, or solicitor after the particular agent, broker, or solicitor has paid any other agent, broker, or solicitor a portion of the gross commission which the agent, broker, or solicitor was legally required to pay pursuant to a contract or other agreement in existence prior to the transaction on which the commission was earned.

POINT OF INQUIRY

Senator Vognild: "Senator von Reichbauer, I understand what you're doing with the amendment, and I have no real quarrel with it, but I'd like to know how it relates to Senate Bill No. 6433? If we pass both of these measures into law, then what happens? Have we not destroyed the amnesty that we're trying to create in Second Substitute Senate Bill No. 6440?"

Senator von Reichbauer: "That is not the intention, Senator Vognild. Specifically, what is your concern? That is not the intention of the amendment or the proposal in Second Substitute Senate Bill No. 6440."

Senator Vognild: "My concern is, whether it's the intention or not, but that is effectively what happens. I'm a friend of the bill, but I'm afraid that that is what will happen."

MOTION

On motion of Senator Newhouse, further consideration of Second Substitute Senate Bill No. 6440 was deferred.

SECOND READING

SENATE BILL NO. 6451, by Senators McDonald and Hayner

Modifying the cigarette tax.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, Senate Bill No. 6451 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6451.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6451 and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; excused, 6.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson,

Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 42.

Voting nay: Senator Warnke - 1.

Excused: Senators Fleming, Gaspard, Matson, McCaslin, Owen, Wojahn - 6.

SENATE BILL NO. 6451, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 6440 and the pending amendment by Senators von Reichbauer and McMullen on page 1, line 19, deferred earlier today.

MOTION

On motion of Senator von Reichbauer, and there being no objection, the amendment on page 1, after line 19, to Second Substitute Senate Bill No. 6440 was withdrawn.

MOTION

On motion of Senator von Reichbauer, Second Substitute Senate Bill No. 6440 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6440.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6440 and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 42.

Voting nay: Senator Niemi - 1.

Excused: Senators Fleming, Gaspard, Matson, McCaslin, Owen, Wojahn - 6.

SECOND SUBSTITUTE SENATE BILL NO. 6440, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6652, by Senators McDonald, Gaspard and Hayner

Revising penalties on cigarette taxes.

The bill was read the second time.

MOTION

On motion of Senator McDonald, Senate Bill No. 6652 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6652.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6652 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Fleming, Gaspard, Matson, McCaslin, Owen - 5.

SENATE BILL NO. 6652, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6667, by Senators McDonald, Bailey and Hayner

Transferring power and duty to enforce cigarette and tobacco laws to the liquor control board.

MOTIONS

On motion of Senator McDonald, Substitute Senate Bill No. 6667 was substituted for Senate Bill No. 6667 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDonald, Substitute Senate Bill No. 6667 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Smitherman: "Senator McDonald, I've not seen that LBC Report and I guess I'm curious. Did they recommend any procedures that might be carried out by the Department of Revenue to enhance the collections or did they just say that the process should be transferred? I'm trying to get a grip on this. In other words, did they talk about process or did they just talk about a transfer of --?"

Senator McDonald: "I can't answer that--whether they said they have recommendations as to what the Department of Revenue can do. Let me just reiterate, Senator Smitherman, in our deliberations in the Ways and Means Committee, which has spanned two years, the Department of Revenue first claimed that we were only losing less than a million dollars. When it finally came out from an internal memo, within the department, that the estimate was really about eighteen million dollars per year--thirty-six million dollars a biennium. They were a bit embarrassed, I guess, by the revelation of that memo.

"Things have not gotten any better in the last couple of years and the projections that they have--projections that they give to the Economic and Revenue Forecast Council--indicate that they feel that there will not be any additional revenue gains. So, I think that the indications are pretty clear that the Liquor Control Board can do it. The Department of Revenue can't."

POINT OF INQUIRY

Senator Rasmussen: "You kind of lost me someplace, Senator McDonald, and I would like to know or understand clearly. We have a Governor that's dedicated to efficiency. Who appoints the director of the Department of Revenue?"

Senator McDonald: "I believe the Governor does, Senator Rasmussen."

Senator Rasmussen: "He must be misdirected then. He had high praise for the former director, Wilkerson, doing a wonderful job and he lost thirty-seven million. Do you anticipate that the new director is going to be as lax in his operations?"

Senator McDonald: "Well, Senator Rasmussen, since we only have an acting director, and we don't know who that new director will be, I guess I don't know. If you sat in on the Ways and Means Committee over at Spokane and the one we had some two years ago, I think that we indicated to the Department of Revenue and Wilkerson, at that time--Director Wilkerson--that while he may enjoy a reputation as being pretty efficient in a lot of areas, that is one that he definitely was not."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6667.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6667 and the bill passed the Senate by the following vote: Yeas, 30; nays, 15; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Hansen, Hayner, Johnson, Lee, McDonald, McMullen, Metcalif, Nelson, Newhouse, Patrick, Patterson, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West - 30.

Voting nay: Senators Barr, Bauer, Bender, Fleming, Kreidler, Madsen, Moore, Murray, Niemi, Rasmussen, Rinehart, Talmadge, Warnke, Williams, Wojahn - 15.

Excused: Senators Gaspard, Matson, McCaslin, Owen - 4.

SUBSTITUTE SENATE BILL NO. 6667, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6859, by Senators McDonald, Gaspard, Hayner, Vognild, Bluechel, Sellar, Warnke, Saling, Owen, Cantu, Amondson, Johnson, Moore, Newhouse, Smith, Bauer and Sutherland

Clarifying the tax status of computer software.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6859 was substituted for Senate Bill No. 6859 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Newhouse, Substitute Senate Bill No. 6859 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6859.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6859 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Neison, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Gaspard, Matson, McCaslin, Owen - 4.

SUBSTITUTE SENATE BILL NO. 6859, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:21 a.m., on motion of Senator Newhouse, the Senate recessed until 10:50 a.m.

The Senate was called to order at 11:21 a.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 6696, by Senator Metcalf

Allowing shrimp bottom trawling in certain areas.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 6696 was substituted for Senate Bill No. 6696 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, Substitute Senate Bill No. 6696 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6696.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6696 and the bill passed the Senate by the following vote: Yeas, 31; nays, 13; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Hayner, Johnson, Kreidler, Lee, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 31.

Voting nay: Senators Fleming, Hansen, Madsen, Murray, Niemi, Smitherman, Stratton, Sutherland, Talmadge, Vogtild, Warnke, Williams, Wojahn - 13.

Absent: Senator Bluechel - 1.

Excused: Senators Gaspard, Matson, McCaslin, Owen - 4.

SUBSTITUTE SENATE BILL NO. 6696, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6232, by Senators Lee, Bailey and Craswell

Providing a tax credit for certain real property.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 6232 was substituted for Senate Bill No. 6232 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, Substitute Senate Bill No. 6232 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Lee, my recollection of the Efficiency Commission Report was not that the amount be increased from one to five percent, but they suggested that the range was in the two to three percent area. Is that your recollection as well?"

Senator Lee: "Senator Talmadge, my recollection is from the actual study that the department did to see where that range should be and indeed, in my opinion, the rather flawed report that they had--very few returns--the department did see where they thought the range should be--is that it should be more than one percent, but the department did put it at an indicated ratio far below what even their own report indicated."

Further debate ensued.

POINT OF INQUIRY

Senator Murray: "Senator Lee, if five percent of this becomes attributable to personal property, will then we have to pay sales tax on that five percent when we sell property?"

Senator Lee: "Senator Murray, the five percent we are talking about is what is calculated as far as the actual sales that go on out there in the public when--if I sell a house, for example, and I sell it for a certain price and if I'm a wise taxpayer, when I pay the real estate excise tax on that selling price, I look and see what personal property went along with that sale--the stove, the range, the refrigerator, the curtains--I can deduct that from the sales price in calculating my real estate excise tax. The Department of Revenue has been using a factor of five percent as a deduction from that sales price in order to determine what portion of it is really real property for determining its state ratio. I know this sounds complex and we don't have a blackboard and so on, but the reasons for being able to deduct a certain amount from their sales price and not pay real estate excise tax on it is the fact that you've already paid sales tax on things like the stove, the refrigerator and the curtains that are part of the total price that you charged the buyer of that home, so it's already been paid. It does not mean you need to pay any additional sales tax."

Senator Murray: "Senator Lee, if I can continue. I guess I'm just not quite clear, because the purchaser who is buying your property is buying--if you leave your range, your refrigerator and all those there--the sales tax is seven or eight percent, so I guess I don't quite follow you. I want to know if this passes and we're declaring that five percent of it is personal property, then are we going to require

somebody who is buying a house to pay the sales tax of seven or eight percent on that remaining personal property?"

Senator Lee: "The answer to that question is 'no.'"

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6232.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6232 and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Fleming, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 41.

Voting nay: Senators Rinehart, Talmadge, Vognild - 3.

Absent: Senator Bluechel - 1.

Excused: Senators Gaspard, Matson, McCaslin, Owen - 4.

SUBSTITUTE SENATE BILL NO. 6232, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6501, by Senators Barr, Hansen, Bailey, Newhouse, Gaspard and Bauer

Creating a central filing system for security interests in farm crops.

MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 6501 was substituted for Senate Bill No. 6501 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, the following amendment by Senators Barr, Bailey, Anderson, Hansen, Newhouse and Madsen was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The availability of credit is vital for agriculture. For that reason, the legislature has traditionally promoted the availability of agricultural credit. The legislature finds that lenders lack a uniformly effective means of providing notice of a lender's security interest in farm products to purchasers of the products. The legislature further finds that purchasers lack any practical method for discovering the existence of security interests in farm products.

Accordingly, it is the intent of the legislature to promote the development of a central filing system as provided in 7 U.S.C. Sec. 1631(c)(11) and to encourage private businesses to provide for expeditious discovery of liens and security interests in farm products.

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

- (1) "Department" means the department of licensing of the state of Washington.
- (2) "Director" means the director of the department or a duly authorized representative.
- (3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, association, cooperative, or any organized group of persons whether incorporated or not, and every officer, agent, or employee thereof. This term shall import either the singular or the plural as the case may be.
- (4) "Buyer of farm products" means a person who in the ordinary course of business, buys farm products from a person engaged in farming operations who is in the business of selling farm products or a person who acts as a commission merchant or selling agent dealing in products purchased from a person engaged in farming operations who is in the business of selling farm products.
- (5) "Central filing system" means a system for filing effective financing statements or notice of such financing statements on a state-wide basis and which has been certified by the secretary of the United States department of agriculture.
- (6) "Central filing system operator" means the department of licensing or a person licensed under this chapter to operate a central filing system for any or all farm products.
- (7) "Effective financing statement" means a financing statement for farm products described in RCW 62A.9-402(9) and shall include amendments as set forth under RCW 62A.9-

402(10). Effective financing statements filed pursuant to this chapter are not subject to the effective financing statement requirements under chapter 62A.9 RCW, except as provided in RCW 62A.9-409(1) and this chapter.

(8) "Subscriber" means a person utilizing the services of a central filing system operator.

(9) "Registrant" means a subscriber indicating an interest in receiving information in writing by farm product category according to the method described in section 7 (6)(b) of this act.

(10) "Farm product" means any product defined as such for purposes of this chapter by the director.

NEW SECTION. Sec. 3. The director shall administer and enforce the provisions of this chapter and the necessary rules. The director shall adopt rules:

(1) Governing the licensing of central filing system operators. Such rules shall include the requirements enumerated in section 7 (1) through (7) of this act;

(2) Providing that licensees keep records as required;

(3) Defining time periods within which registrants will receive notice of information for which they have registered an interest, if more frequently than provided for in section 7 (6)(b) of this act;

(4) Defining the categories of farm products for central filing; and

(5) Defining provisions in agreements between central filing system operators and holders of security interests regarding the timeliness of notice of termination of effective financing statements filed pursuant to this chapter. Operators shall make no charge for filing terminations. If the affected secured party fails to file such a termination statement as required by this subsection within ten days after proper demand therefor, the secured party shall be liable to the debtor for one hundred dollars, and in addition any loss caused to the debtor by such failure.

NEW SECTION. Sec. 4. All rules adopted under the provisions of this chapter shall be subject to the provisions of chapter 34.05 RCW as enacted or as hereafter amended, concerning the adoption of rules. The department shall issue regulations requiring notice of statutory crop liens with the master lists distributed to registrants.

NEW SECTION. Sec. 5. It is unlawful for any person to engage in the business of filing effective financing statements or providing information about effective financing statements without a central filing system operator license. Applications shall be made on or before the first day of each January and shall be accompanied by a fee of five thousand dollars.

NEW SECTION. Sec. 6. Application for a central filing system operator license provided for in section 5 of this act shall be on a form prescribed by the director and shall include the following:

(1) The full name of the person applying for the license;

(2) If the applicant is an individual, receiver, trustee, firm, partnership, association, corporation, cooperative or any other organized group of persons whether incorporated or not, the full name of each member of the firm or partnership, or the names of the officers of the association, corporation, cooperative, or group;

(3) The principal business address of the applicant in the state and elsewhere;

(4) The name of the person whose domicile is in the state and who is authorized to receive and accept services of summons and legal notice of all kinds for the applicant;

(5) The license being applied for; and

(6) Any other necessary information prescribed by the director.

NEW SECTION. Sec. 7. The director shall not issue a central filing system operator license until the director has obtained certification by the secretary of the United States department of agriculture and the applicant or the person managing the business has demonstrated the capacity to comply with the following requirements:

(1) Receive effective financing statements from subscribers who are secured parties in farm crops;

(2) Submit each effective financing statement received from subscribers for filing with the department of licensing within one full business day and furnish each subscriber with proof of such filing;

(3) Maintain a list of registrants by farm product category interest;

(4) Provide service to all persons wishing to be registrants for each farm product category for which the applicant shall have registrants;

(5) Operate an automated electronic data system which integrates and makes available by remote electronic access information filed on effective financing statements maintained under RCW 62A.9-407(3) by the department of licensing. This information shall be provided on each farm product category for which the applicant or the person managing the business has registrants;

(6) Provide information maintained under RCW 62A.9-407(3) by the department of licensing to be organized and distributed to registrants according to the following method:

(a) The information shall be compiled into a master list organized according to categories of farm products for which there are registrants. The list shall be organized within each farm product category in alphabetical order according to the last name of the debtor or, in the case of debtors doing business other than as individuals, the first word in the name of such debtor.

The list shall be further organized according to and contain information required by federal law and regulation; and

(b) The complete master list for each farm product category for which there are registrants shall be distributed for each farm products category at least quarterly to each buyer registered under subsection (3) of this section. Buyers shall receive either complete lists or cumulative supplements, which supplements shall be issued not less frequently than twice monthly, of financing statements for farm products filed subsequent to the last date of filing for effective financing statements on the last preceding quarterly master list, which the buyer has requested. The buyer shall be deemed to have received the lists and supplements no later than the third calendar day following the date of mailing by the licensed central filing system operator or in the event the mail is not delivered on that day, the first day thereafter on which mail is regularly delivered; and

(7) Provide upon the request of any person not registered under subsection (3) of this section, within twenty-four hours, an oral confirmation of the filing of the form described in RCW 62A.9-402(9) followed by a written confirmation.

NEW SECTION. Sec. 8. (1) Central filing system operators licensed under the provisions of this chapter shall keep records on a form prescribed by the director which shall include the following:

(a) Number of effective financing statements received and filed according to farm product categories, the name of the subscriber, and the time of receipt and filing;

(b) Names and addresses of registrants and type of service requested by each;

(c) Amount of fees collected from subscribers for receiving and filing effective financing statements;

(d) Amount of fees collected from subscribers registering as buyers;

(e) Number of modes of disseminating information from the central filing system to subscribers;

(f) Number of units of service in each mode provided to subscribers and dates of service;

(g) Any other reasonable information required by the director.

(2) These records shall be kept for a period of five years from the date of application for a central filing system operator license and the director shall be provided a copy of the records immediately by the licensee upon request or upon cessation of business operations.

NEW SECTION. Sec. 9. (1) Any license provided for in this chapter may be revoked or suspended by the director for cause.

(2) The director may deny, suspend, or revoke a license provided for in this chapter if he determines that an applicant or licensee has committed any of the following acts, each of which is declared to be a violation of this chapter:

(a) Failed to file effective financing statements for subscribers with the department of licensing within one business day of receipt;

(b) Failed to provide subscribers who are registrants information requested in a timely fashion as prescribed by rule under section 7(3) of this act;

(c) Operated in a faulty, careless, or negligent manner;

(d) Refused or neglected to keep and maintain records required by this chapter, or to make reports when and as required;

(e) Refused or neglected to comply with the provisions of this chapter, the rules adopted, or any lawful order of the director;

(f) Made false or fraudulent records, invoices, or reports;

(g) Used fraud or misrepresentation in making an application for a license or a renewal of a license; or

(h) Any other act or omission in violation of this chapter or regulation of the department.

NEW SECTION. Sec. 10. (1) The director shall not issue a central filing system operator license until the applicant has furnished the director with evidence of financial responsibility consisting of either a surety bond, a liability insurance policy, or certification of either. The director shall only accept a surety bond or liability insurance policy from authorized insurers in this state, unless procured as a surplus line under RCW 48.15.040.

(2) The amount of the surety bond or liability insurance shall not be less than an amount necessary to continue operation of central filing system services operations through the current calendar year in case of business failure. It shall not be less than fifty thousand dollars. The surety bond or liability insurance shall be maintained at not less than these amounts at all times during the licensing period. The director shall be notified ten days before any reduction at the request of the applicant or cancellation of the surety bond or liability insurance by the surety or insurer. The total and aggregate liability of the surety or insurer for all claims is limited to the face of the bond or liability insurance policy. The director may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding twenty thousand dollars. If the applicant has not satisfied the requirement of the deductible amount in any prior legal claim, the deductible clause will not be accepted by the director unless the applicant furnishes the director with a surety bond or liability insurance which satisfies the amount of the deductible as to all claims that may arise in the operation of a central filing system.

(3) The central filing system operator license will, whenever the surety bond or insurance policy of the licensee is reduced below the requirements of subsection (2) of this section, be summarily suspended until such time as the surety bond or insurance policy is restored.

NEW SECTION, Sec. 11. (1) Any person suffering loss or damage resulting from the operation of a central filing system must file with the director a verified report of loss, setting forth, so far as is known, the following:

- (a) The name and address of the claimant;
- (b) The type and kind of loss or damage;
- (c) The name of the central filing system operator causing the loss; and
- (d) The name of the person making the report.

(2) The report must be filed within sixty days from the time that the loss or damage becomes known to the claimant. The failure to file a report shall not be considered a bar to the prosecution of any criminal or civil action. Failure to file such a report shall not be a violation of this chapter.

NEW SECTION, Sec. 12. The central filing system program fund is created in the custody of the state treasurer. All receipts from the fees collected by the director under this chapter and RCW 62A.9-409(1) shall be deposited into the fund. Expenditures from the fund may be used only for the purposes of this act. Only the director of licensing or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

NEW SECTION, Sec. 13. The director is authorized to cooperate with and enter into agreements with any other agency of the state, the United States, and any other state or agency for the purpose of carrying out the provisions of this chapter and securing uniformity of regulations.

NEW SECTION, Sec. 14. Every person who fails to comply with this chapter or the rules adopted under it may be subjected to a civil penalty, as determined by the director, in an amount of not more than five thousand dollars for every violation. Each and every violation shall be a separate and distinct offense. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated this chapter and may be subject to the civil penalty.

NEW SECTION, Sec. 15. The director may bring an action to enjoin the violation or threatened violation of any provision of this chapter or any rule made under this chapter in the superior court of the county in which the violation occurs or is about to occur.

NEW SECTION, Sec. 16. No suit or action shall ever be commenced or prosecuted against the director or the state of Washington by reason of any act done or omitted to be done by any licensed central filing system operator in the administration of the duties and responsibilities of the operator.

Sec. 17, Section 9-307, chapter 157, Laws of 1965 ex. sess. as last amended by section 15, chapter 393, Laws of 1987 and RCW 62A.9-307 are each amended to read as follows:

(1) A buyer in ordinary course of business (subsection (9) of RCW 62A.1-201) other than a person buying farm products from a person engaged in farming operations takes free of a security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence.

(2) A buyer who in the ordinary course of business buys farm products from a person engaged in farming operations buys and takes free of a security interest created by his or her seller, and a commission merchant or selling agent who in the ordinary course of business sells farm products for a person engaged in farming operations buys, takes, and sells free of a security interest created by his or her seller, even though the security interest is perfected and the buyer, commission merchant, or selling agent knows of the existence of such interest if:

(a) The buyer, commission merchant, or selling agent has registered with a central filing system operator licensed under chapter 19.-- RCW (sections 1 through 16 of this act); and

(i) The secured party has not filed an effective financing statement with the department of licensing through a central filing system operator licensed under chapter 19.-- RCW (sections 1 through 16 of this act); or

(ii) The buyer, commission merchant, or selling agent does not receive from a central filing system operator licensed under chapter 19.-- RCW (sections 1 through 16 of this act) written notice that specifies the seller and farm product; or

(b) The secured party has not filed an effective financing statement through a central filing system operator licensed under chapter 19.-- RCW (sections 1 through 16 of this act) and the buyer, commission merchant, or selling agent has not received, within one year before the sale from the secured party or seller, written notice of the security interest containing:

(i) The name and address of the secured party;

(ii) The name and address of the debtor;

(iii) The social security number of the debtor or, in the case of a debtor doing business other than as an individual, the debtor's federal internal revenue service taxpayer identification number;

(iv) A description by category of the farm products subject to the security interest, including the amount of the products, if applicable;

(v) The crop year:

(vi) The county or counties where the farm products are produced or located and, if less than all of such farm products in a county are claimed, a reasonable description of the real property; and

(vii) Any payment obligations imposed by the secured party as a condition for waiver or release of the security interest.

The notice described in this subsection (b) must be amended in writing within three months and similarly signed and transmitted, to reflect material changes; or

(c) The buyer, commission merchant, or selling agent has obtained a waiver from the secured party by performing any payment obligation or otherwise.

(3) In the case of consumer goods, a buyer takes free of a security interest even though perfected if he buys without knowledge of the security interest, for value and for his own personal, family or household purposes unless prior to the purchase the secured party has filed a financing statement covering such goods.

((3)) (4) A buyer other than a buyer in ordinary course of business (subsection (1) of this section) takes free of a security interest to the extent that it secures future advances made after the secured party acquires knowledge of the purchase, unless made pursuant to a commitment entered into without knowledge of the purchase.

Sec. 18. Section 9-402, chapter 157, Laws of 1965 ex. sess. as last amended by section 2, chapter 251, Laws of 1989 and RCW 62A.9-402 are each amended to read as follows:

(1) Except as provided in subsection (9) of this section, a financing statement is sufficient if it gives the names of the debtor and the secured party, is signed by the debtor, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types, or describing the items, of collateral. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. When the financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5) of RCW 62A.9-103, or when the financing statement is filed as a fixture filing (RCW 62A.9-313) and the collateral is goods which are or are to become fixtures, the statement must also comply with subsection (5). A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by the debtor. A carbon, photographic or other reproduction of a security agreement or a financing statement is sufficient as a financing statement if the security agreement so provides or if the original has been filed in this state.

(2) A financing statement which otherwise complies with subsection (1) is sufficient when it is signed by the secured party instead of the debtor if it is filed to perfect a security interest in

(a) collateral already subject to a security interest in another jurisdiction when it is brought into this state or when the debtor's location is changed to this state. Such a financing statement must state that the collateral was brought into this state or that the debtor's location was changed to this state under such circumstances; or

(b) proceeds under RCW 62A.9-306 if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral; or

(c) collateral as to which the filing has lapsed; or

(d) collateral acquired after a change of name, identity or corporate structure of the debtor (subsection (7)).

(3) A form substantially as follows is sufficient to comply with subsection (1):

Name of debtor (or assignor)

Address

Name of secured party (or assignee)

Address

1. This financing statement covers the following types (or items) of property:

(Describe)

2. (If applicable) The above goods are to become fixtures on*

(Describe Real Estate)

and this financing statement is to be filed for record in the real estate records. (If

the debtor does not have an interest of record) The name of a record owner is ..

*Where appropriate substitute either "The above timber is standing on

" or "The above minerals or the like (including oil and gas) or accounts will be

financed at the wellhead or minehead of the well or mine located on

3. (If products of collateral are claimed)

Products of the collateral are also covered

(use

whichever Signature of Debtor (or Assignor)

is

applicable) Signature of Secured Party (or Assignee)

(4) A financing statement may be amended by filing a writing signed by both the debtor and the secured party: PROVIDED, That a secured party may amend a financing statement without the signature of the debtor when the amendment is to change the address or name of

the secured party. An amendment does not extend the period of effectiveness of a financing statement. If any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment. In this Article, unless the context otherwise requires, the term "financing statement" means the original financing statement and any amendments. The fee for filing an amendment shall be the same as the fee for filing a financing statement.

(5) A financing statement covering timber to be cut or covering minerals or the like (including oil and gas) or accounts subject to subsection (5) of RCW 62A.9-103, or a financing statement filed as a fixture filing (RCW 62A.9-313) where the debtor is not a transmitting utility, must show that it covers this type of collateral, must recite that it is to be filed for record in the real estate records, and the financing statement must contain a description of the real estate sufficient if it were contained in a mortgage of the real estate to give constructive notice of the mortgage under the law of this state. If the debtor does not have an interest of record in the real estate, the financing statement must show the name of a record owner.

(6) A mortgage is effective as a financing statement filed as a fixture filing from the date of its recording if (a) the goods are described in the mortgage by item or type, (b) the goods are or are to become fixtures related to the real estate described in the mortgage, (c) the mortgage complies with the requirements for a financing statement in this section other than a recital that it is to be filed in the real estate records, and (d) the mortgage is duly recorded. No fee with reference to the financing statement is required other than the regular recording and satisfaction fees with respect to the mortgage.

(7) A financing statement sufficiently shows the name of the debtor if it gives the individual, partnership or corporate name of the debtor, whether or not it adds other trade names or the names of partners. Where the debtor so changes his name or in the case of an organization its name, identity or corporate structure that a filed financing statement becomes seriously misleading, the filing is not effective to perfect a security interest in collateral acquired by the debtor more than four months after the change, unless a new appropriate financing statement or an amendment is filed before the expiration of that time. A filed financing statement remains effective with respect to collateral transferred by the debtor even though the secured party knows of or consents to the transfer.

(8) A financing statement substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading.

(9) A financing statement for farm products is sufficient for purposes of being filed as described in RCW 62A.9-407 (3) and (4) and shall be called an "effective financing statement" if it contains the following information:

(a) The name and address of the debtor;

(b) The debtor's signature;

(c) The name, address, and signature of the secured party;

(d) The social security number of the debtor, or in the case of a debtor doing business other than as an individual, the debtor's federal internal revenue service taxpayer identification number;

(e) A description by category of the farm products subject to the security interest including the amount of such products if applicable; and

(f) A reasonable description of the real estate where the farm products are produced or located. This provision may be satisfied by a designation of the county or counties, and a legal description shall not be required.

(10) A financing statement described in subsection (9) of this section must be amended in writing within three months, and similarly signed and filed, to reflect any material changes.

Sec. 19. Section 9-407, chapter 157, Laws of 1965 ex. sess. as last amended by section 5, chapter 189, Laws of 1987 and RCW 62A.9-407 are each amended to read as follows:

(1) If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person following payment of the required fees, the department of licensing shall issue its certificate showing whether there is on file with the department of licensing on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any statement of assignment thereof and if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party therein. Upon request and following payment of the required fees, the department of licensing shall issue its certificate and shall furnish a copy of any filed financing statements or statements of assignment.

(3) The department of licensing shall maintain effective financing statements as described in RCW 62A.9-402 (9) and (10) filed with it by a central filing system operator licensed under chapter 19.-- RCW (sections 1 through 16 of this act). The department of licensing shall record the date and time of such filing. A filing of an effective financing statement is deemed to take effect on the fifth business day subsequent to the recording date, but the same time of day as the recording.

(4) The department of licensing shall make facsimiles of effective financing statements and any amendments, continuations, or notices of termination filed with it available for purchase by licensed central filing system operators within four business days of recording.

NEW SECTION, Sec. 20. (1) Prior to the 1992 legislative session, the director of the department of agriculture, on the advice of the senate committee on agriculture and the house of representatives committee on agriculture and rural development, shall evaluate in accordance with the objectives of this chapter:

(a) Whether the costs associated with the proposed activities of operators licensed under this chapter are reasonable and just; and

(b) Whether the department of licensing can operate a central filing system substantially more efficiently than private operators licensed under this chapter. If so, then the department of licensing shall be authorized to act as a central filing system operator.

The department of licensing shall submit a bid as set forth in subsection (2) of this section.

(2) The department of agriculture shall develop specifications and performance standards for a central filing system which meets the requirements of this chapter and RCW 62A.9-307, 62A.9-402, and 62A.9-407 by October 1, 1990, and obtain bids pursuant to the competitive bid requirements set forth in chapter 43.19 RCW by April 1, 1991.

NEW SECTION, Sec. 21. Sections 1 through 16, 20, and 21 of this act may be known and cited as the Washington central filing system act.

NEW SECTION, Sec. 22. Sections 1 through 16, 20, and 21 of this act shall constitute a new chapter in Title 19 RCW.

NEW SECTION, Sec. 23. The sum of forty-nine thousand five hundred dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of agriculture for the purposes of developing specifications and obtaining bids for a central filing system.

NEW SECTION, Sec. 24. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTIONS

On motion of Senator Barr, the following title amendment was adopted:

On page 1, line 1 of the title, after "crops;" strike the remainder of the title and insert "amending RCW 62A.9-307, 62A.9-402, and 62A.9-407; adding a new chapter to Title 19 RCW; prescribing penalties; and making an appropriation."

On motion of Senator Barr, Engrossed Substitute Senate Bill No. 6501 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6501.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6501 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Fleming, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Bluechel - 1.

Excused: Senators Gaspard, Matson, McCaslin, Owen - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6501, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Smith, Senator Bluechel was excused.

SECOND READING

SENATE BILL NO. 6779, by Senators Barr, Madsen, Newhouse, Hansen, Benitz and Williams

Providing for regional water resource planning.

MOTIONS

On motion of Senator Barr, Second Substitute Senate Bill No. 6779 was substituted for Senate Bill No. 6779 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, Second Substitute Senate Bill No. 6779 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6779.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6779 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Fleming, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Bluechel, Gaspard, Matson, McCaslin, Owen - 5.

SECOND SUBSTITUTE SENATE BILL NO. 6779, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6239, by Senators Nelson, Talmadge, Madsen and Moore

Authorizing service of process by mail in district courts.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6239 was substituted for Senate Bill No. 6239 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, Substitute Senate Bill No. 6239 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Fleming: "Senator Nelson, this says, 'may be conducted by registered mail or certified mail.' Were there any reasons or situations given in the testimony where once this law was passed that registered or certified mail wouldn't be used? It says, 'may' but isn't that just saying it 'shall be' or are there situations--they're talking about lowering costs, etc. Was that described in the hearing?"

Senator Nelson: "We did talk about that, Senator Fleming, and it does have to be at the request of the plaintiff, so that's why it's 'may' and the arguments presented here on the floor--it really doesn't make any difference in which fashion the summons is delivered--in person or by certified mail. If the correct recipient doesn't get served, they're not served--period. Either way, the entire process being made here is an alternative intended to save the people money who are litigates. That's where the issue comes into play where the process servers, and they have a reasonable argument, are saying, 'Wait a minute here folks--you have now cut into my business if you are going to permit the plaintiff to issue the summons by registered or certified mail--I've cut the costs from twenty to thirty dollars down to two dollars.'

"There's where the arguments really are coming from in these chambers. Are we, in fact, making an inroad on a profession and the issue of whether the service is made or not is irrelevant. In either case, if the person is not served, they're not served."

Senator Fleming: "What you're saying is that from here on in, we we will not have any process servers. It will all be registered or certified mail?"

Senator Nelson: "No, Senator Fleming, that is not correct."

Senator Fleming: "Oh, OK."

Senator Nelson: "The certified or registered mail is an option only. If the plaintiff wishes to have it served by a process server, they will have it made by a process server."

Senator Fleming: "Under what circumstances would I choose since this is going to be cost saving, under what circumstances would I choose to due process rather than certified mail?"

Senator Nelson: "Excellent question. The normal situation of serving by certified mail is where you know specifically that the person is at that given household or in that particular business and that they have been continual recipients of regular mail and there is not going to be a major problem in now having this done by certified or registered mail. In the case of process servers, who do their job exceptionally well, they're sent out to serve the summons when there is a problem of knowing specifically of where the person might be."

POINT OF INQUIRY

Senator Wojahn: "Senator Nelson, have you ever heard of a service called 'sewer service'? If you haven't, I perhaps should ask Senator Niemi or Senator McMullen."

Senator Niemi: "Yes, Senator Wojahn, I have heard of 'sewer service.'"

Senator Wojahn: "And isn't that the service in which a process server is supposed to serve a person, but, in fact, he doesn't serve the person? He dumps it somewhere along the way and that person never gets the service from the server and isn't that called 'sewer service?'"

Senator Niemi: "That's very true, Senator Wojahn, and then those people come into court and get that set aside and that's done very commonly. My argument was that we would have two or three times that kind of court costs if we did it by registered mail."

Senator Wojahn: "Well, it seems to me that, in fact, this can still occur, and the person who's supposed to be served it never is served, then there would still be a default judgment and the person would still be liable and it seems to me that this bill is appropriate."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6239.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6239 and the bill passed the Senate by the following vote: Yeas, 25; nays, 20; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Cantu, Craswell, DeJarnatt, Fleming, Hansen, Hayner, Madsen, McDonald, Metcalf, Moore, Nelson, Newhouse, Saling, Sellar, Smith, Smitherman, Talmadge, Thorsness, von Reichbauer, Warnke, Wojahn - 25.

Voting nay: Senators Amondson, Anderson, Bender, Conner, Gaspard, Johnson, Kreidler, Lee, McMullen, Murray, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Stratton, Sutherland, Vogndild, West, Williams - 20.

Excused: Senators Bluechel, Matson, McCaslin, Owen - 4.

SUBSTITUTE SENATE BILL NO. 6239, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:10 p.m., on motion of Senator Newhouse, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:54 p.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 6334, by Senator Metcalf

Expanding the uses of rights of way over state lands.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, Senate Bill No. 6334 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Metcalf, I don't think Senator Talmadge was listening when you mentioned that this would open up--could open up--right-of-ways under fifty thousand and one hundred thousand volt power lines. There's a question that they are going to study on emissions from power lines. Would this open the state up to liability if they rode horses underneath the power lines?"

Senator Metcalf: "Senator Rasmussen, in my estimation, it would not, because it is strictly permissive. I'm sure that they will take anything like that into consideration before they do it. This just allows them to do it."

MOTION

On motion of Senator Bender, Senator DeJarnatt, Hansen and Stratton were excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6334.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6334 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators DeJarnatt, Hansen, Matson, McCaslin, Stratton - 5.

SENATE BILL NO. 6334, having *received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6499, by Senators Nelson, Vognlid, Newhouse, Rasmussen, Thorsness, Murray, Patrick, Bender, Rinehart, Bailey, Madsen and Bauer

Authorizing a surcharge or district court filing fees to fund dispute resolution centers.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6499 was substituted for Senate Bill No. 6499 and the substitute bill was placed on second reading and read the second time.

Senator Nelson moved that the following amendment by Senators Nelson and Talmadge be adopted:

On page 1, line 16, after "3.62.090." insert "The accounts created pursuant to this subsection shall be audited by the state auditor in accordance with RCW 43.09.260."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Nelson and Talmadge on page 1, line 16, to Substitute Senate Bill No. 6499.

The motion by Senator Nelson carried and the amendment was adopted.

MOTION

On motion of Senator Nelson, Engrossed Substitute Senate Bill No. 6499 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6499.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6499 and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Voting nay: Senators Craswell, Patrick - 2.

Excused: Senators DeJarnatt, Hansen, Matson, McCaslin, Stratton - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6499, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6734, by Senators Wojahn, Johnson, Williams, Barr, Kreidler, von Reichbauer, Stratton, Madsen and McCaslin

Improving administration of historical activities and programs.

MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 6734 was substituted for Senate Bill No. 6734 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, Substitute Senate Bill No. 6734 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6734.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6734 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators DeJarnatt, Hansen, Matson, McCaslin, Stratton - 5.

SUBSTITUTE SENATE BILL NO. 6734, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6594, by Senators Johnson, Saling, Moore, Niemi, Nelson, Bauer, Rasmussen, Patrick and Smith (by request of Joint Committee on Pension Policy)

Changing provisions relating to the department of retirement systems.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6594 was substituted for Senate Bill No. 6594 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Newhouse, Substitute Senate Bill No. 6594 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6594.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6594 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators DeJarnatt, Hansen, Matson, McCaslin, Stratton - 5.

SUBSTITUTE SENATE BILL NO. 6594, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8023, by Senators Amondson, Sutherland, Anderson, Barr, Murray, McMullen, von Reichbauer, Lee, Patterson, Johnson, Vognild, DeJarnatt, Patrick, Madsen, Bauer, Sellar, Smith, Saling, Owen, Stratton, West, Moore, Newhouse, Kreidler, McDonald, Warnke and Hayner

Pertaining to forest lands.

The joint memorial was read the second time.

MOTION

On motion of Senator Amondson, Senate Joint Memorial No. 8023 was advanced to third reading, the second reading considered the third, and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8023.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8023 and the joint memorial passed the Senate by the following vote: Yeas, 39; nays, 5; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 39.

Voting nay: Senators Fleming, Moore, Rinehart, Talmadge, Williams - 5.

Excused: Senators DeJarnatt, Hansen, Matson, McCaslin, Stratton - 5.

SENATE JOINT MEMORIAL NO. 8023, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6247, by Senators Nelson, Vognild and Sellar

Restricting civil actions to appoint receivers to manage real property.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6247 was substituted for Senate Bill No. 6247 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, Substitute Senate Bill No. 6247 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6247.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6247 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen,

McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators DeJarnatt, Hansen, Matson, McCaslin, Stratton - 5.

SUBSTITUTE SENATE BILL NO. 6247, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6086, by Senators Vognild and Johnson

Allowing retirement credit for prior service.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, Senate Bill No. 6086 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6086.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6086 and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senator Cantu - 1.

Excused: Senators DeJarnatt, Hansen, Matson, McCaslin, Stratton - 5.

SENATE BILL NO. 6086, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6452, by Senators von Reichbauer, Gaspard, McDonald, Newhouse and Lee

Clarifying "annual leave" for purposes of the school district leave sharing program.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6452 was substituted for Senate Bill No. 6452 and the substitute bill was placed on second reading and read the second time.

Senator Warnke moved that the following amendment be adopted:

On page 2, line 27, strike "six" and insert "ten"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Warnke on page 2, line 27, to Substitute Senate Bill No. 6452.

The motion by Senator Warnke carried and the amendment was adopted.

MOTION

On motion of Senator von Reichbauer, Engrossed Substitute Senate Bill No. 6452 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6452.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6452 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators DeJarnatt, Hansen, Matson, McCaslin, Stratton - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6452, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6221, by Senators Gaspard, Bailey, Rinehart, Bender, Metcalf, Lee, Murray and Conner (by request of Superintendent of Public Instruction)

Creating the high school and beyond assessment program.

MOTION

On motion of Senator Bailey, Substitute Senate Bill No. 6221 was substituted for Senate Bill No. 6221 and the substitute bill was placed on second reading and read the second time.

Debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 6221 was deferred.

SECOND READING

SENATE BILL NO. 6741, by Senators Amondson, Owen, Metcalf and Sutherland

Modifying permit requirements for substantial developments on shorelines as they relate to utility extensions.

The bill was read the second time.

MOTION

On motion of Senator Amondson, Senate Bill No. 6741 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6741.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6741 and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Voting nay: Senators Fleming, Talmadge - 2.

Excused: Senators DeJarnatt, Hansen, Matson, McCaslin, Stratton - 5.

SENATE BILL NO. 6741, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6731, by Senators McCaslin and Sutherland

Including absentee ballots in state-wide election abstracts.

MOTIONS

On motion of Senator Newhouse, Second Substitute Senate Bill No. 6731 was substituted for Senate Bill No. 6731 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Newhouse, Second Substitute Senate Bill No. 6731 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6731.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6731 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Paterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators DeJarnatt, Hansen, Matson, McCaslin, Stratton - 5.

SECOND SUBSTITUTE SENATE BILL NO. 6731, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Vognild was excused.

SECOND READING

SENATE BILL NO. 6780, by Senators Newhouse, Hansen, Barr, Madsen, Bailey and Anderson

Establishing farmworker housing inspection procedures and standards.

MOTIONS

On motion of Senator Barr, Second Substitute Senate Bill No. 6780 was substituted for Senate Bill No. 6780 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, Second Substitute Senate Bill No. 6780 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6780.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6780 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Paterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Excused: Senators DeJarnatt, Hansen, Matson, McCaslin, Stratton, Vognild - 6.

SECOND SUBSTITUTE SENATE BILL NO. 6780, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6276, by Senators Sutherland and Bauer

Delineating examples of parental behavior that would represent a manifest danger to a child.

MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 6276 was substituted for Senate Bill No. 6276 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, Substitute Senate Bill No. 6276 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6276.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6276 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Excused: Senators DeJarnatt, Hansen, Matson, McCaslin, Stratton, Vogndild - 6.

SUBSTITUTE SENATE BILL NO. 6276, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6493, by Senators Patrick, Kreidler, Craswell, Stratton, Conner and Bailey

Authorizing the appointment of confidential intermediaries in adoption searches.

MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 6493 was substituted for Senate Bill No. 6493 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, Substitute Senate Bill No. 6493 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6493.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6493 and the bill passed the Senate by the following vote: Yeas, 31; nays, 14; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Conner, Craswell, Fleming, Gaspard, Johnson, Kreidler, Lee, McDonald, Metcalf, Moore, Newhouse, Patrick, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 31.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Hansen, Madsen, McMullen, Murray, Nelson, Niemi, Owen, Patterson, Rasmussen, Sellar - 14.

Absent: Senator Hayner - 1.

Excused: Senators DeJarnatt, Matson, McCaslin - 3.

SUBSTITUTE SENATE BILL NO. 6493, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6836, by Senators Barr, Owen, Patterson and Metcalf

Creating the Lake Roosevelt wildlife mitigation demonstration project.

MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 6836 was substituted for Senate Bill No. 6836 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, Substitute Senate Bill No. 6836 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6836.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6836 and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalfe, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vogndil, von Reichbauer, Warnke, West, Wojahn - 42.

Voting nay: Senators Fleming, Moore, Talmadge, Williams - 4.

Excused: Senators DeJarnatt, Matson, McCaslin - 3.

SUBSTITUTE SENATE BILL NO. 6836, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6326, by Senator Owen

Authorizing a southern Puget Sound water quality program.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 6326 was substituted for Senate Bill No. 6326 and the substitute bill was placed on second reading and read the second time.

Senator Talmadge moved that the following amendment by Senators Talmadge, Bender, Rinehart, Murray, Fleming and Niemi be adopted:

On page 3, after line 15, add new sections as follows:

"Sec. 8. Section 1, chapter 451, Laws of 1985 and RCW 90.70.001 are each amended to read as follows:

The legislature finds that Puget Sound and related inland marine waterways of Washington state represent a unique and unparalleled resource. A rich and varied range of marine organisms, composing an interdependent, sensitive communal ecosystem reside in these sheltered waters. Residents of this region enjoy a way of life centered around the waters of Puget Sound, featuring accessible recreational opportunities, world-class port facilities and water transportation systems, harvest of marine food resources, shoreline-oriented life styles, water-dependent industries, tourism, irreplaceable aesthetics and other activities, all of which to some degree depend upon a clean and healthy marine resource.

The legislature further finds that the consequences of careless husbanding of this resource have been dramatically illustrated in inland waterways associated with older and more extensively developed areas of the nation. Recent reports concerning degradation of water quality within this region's urban embayments raise alarming possibilities of similar despoliation of Puget Sound and other state waterways. These examples emphasize that the costs of restoration of aquatic resources, where such restoration is possible, greatly exceed the costs of responsible preservation.

The legislature declares that utilization of the Puget Sound resource carries a custodial obligation for preserving it. The people of the state have the unique opportunity to preserve this gift of nature, an understanding of the results of inattentive stewardship, the technical knowledge needed for control of degradation, and the obligation to undertake such control.

The legislature further finds that the large number of governmental entities that now affect the water quality of Puget Sound have diverse interests and limited jurisdictions which cannot adequately address the cumulative, wide-ranging impacts which contribute to the degradation of Puget Sound. It is therefore the policy of the state of Washington to create a single entity with adequate resources to develop a comprehensive plan for water quality protection in Puget Sound ((to)) and to provide oversight of the plan's implementation, including periodic reporting to the legislature and the governor. It is further the policy of the state of Washington

that the plan be implemented by ((existing)) other state and local government agencies by using their existing regulatory and other authorities consistently with the plan and this chapter.

Sec. 9. Section 3, chapter 451, Laws of 1985 and RCW 90.70.011 are each amended to read as follows:

(1) There is established the Puget Sound water quality authority composed of ~~((seven)) eleven members ((who are)).~~ Nine members shall be appointed by the governor and confirmed by the senate. In addition, the commissioner of public lands or the commissioner's designee and the director of ecology or the director's designee shall serve as ex officio members. The members shall include a representative from the counties, a representative from the cities, a representative of business interests, a marine scientist with Puget Sound research experience, and a tribal representative. The governor shall select one of the ~~((seven))~~ members other than an ex officio member to act as chair of the authority and be the presiding officer of the authority. In making these appointments, the governor shall seek to include representation of the variety of interested parties concerned about Puget Sound water quality. ~~((The commissioner of public lands and the director of ecology shall serve as ex officio nonvoting members of the authority. The six))~~ Of the appointed members, at least one shall be selected from each of the six congressional districts surrounding Puget Sound, who may also be a representative of cities, counties, business, the tribes, or a marine scientist as specified in this subsection. All members other than ex officio members shall serve four-year terms. Of the initial members appointed to the authority, two shall serve for two years, two shall serve for three years, and two shall serve for four years. Thereafter members shall be appointed to four-year terms. Members representing cities, counties, and the tribes shall also serve four-year terms. Vacancies shall be filled by appointment for the remainder of the unexpired term of the position being vacated. The chair of the authority shall serve at the pleasure of the governor.

(2) ~~((The voting members, exclusive of the chair.))~~ Members shall be compensated as provided in RCW 43.03.250. ((The voting)) Members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(3) The ~~((chair-of))~~ executive director shall be hired by the authority and shall be a full-time employee responsible for the administration of all functions of the authority, including hiring and terminating staff, contracting, coordinating with the governor, the legislature, and other state and local entities, and the delegation of responsibilities as deemed appropriate. The salary of the ((chair)) executive director shall be fixed by the governor, subject to RCW 43.03.040. Not more than four employees of the authority may be exempt from chapter 41.06 RCW.

(4) The ~~((chair))~~ authority shall prepare a budget and a work plan ((which are subject to review and approval by the authority)).

Sec. 10. Section 7, chapter 451, Laws of 1985 as amended by section 72, chapter 36, Laws of 1988 and RCW 90.70.045 are each amended to read as follows:

(1) The ~~((chair))~~ executive director shall hire staff for the authority. In so doing, the ((chair)) executive director shall recognize the many continuing planning and research activities concerning Puget Sound water quality and shall seek to acquire competent and knowledgeable staff from state, federal, and local government agencies that are currently involved in these activities.

(2) As deemed appropriate, the ~~((chair))~~ executive director may request the state departments of ecology, community development, fisheries, wildlife, agriculture, natural resources, and social and health services to each assign at least one employee to the authority. The ((chair)) executive director shall enter into an interagency agreement with agencies assigning employees to the authority. Such agreement shall provide for reimbursement, by the authority to the assigning agency, of all work-related expenditures associated with the assignment of the employees. During the term of their assignment, the ((chair shall have)) executive director has full authority and responsibility for the activities of these employees.

(3) The ~~((chair))~~ executive director shall seek assignment of appropriate federal and local government employees under available means.

Sec. 11. Section 4, chapter 451, Laws of 1985 and RCW 90.70.055 are each amended to read as follows:

The authority shall:

(1) Prepare and adopt a comprehensive Puget Sound water quality management plan, as defined in RCW 90.70.060. In preparing the plan and any substantial revisions to the plan, the authority shall consult with its advisory committee or committees and appropriate federal, state, and local agencies. The authority shall also solicit extensive participation by the public by whatever means it finds appropriate, including public hearings throughout communities bordering or near Puget Sound, dissemination of information through the news media, public notices, and mailing lists, and the organization of workshops, conferences, and seminars;

(2) During the plan's initial development and any subsequent revisions, submit ~~((quarterly))~~ annual progress reports to the governor and the legislature((:)) on plan development and implementation.

(3) Submit the plan to the governor and the legislature no later than January 1, 1987. The authority shall review each element of the plan at least every ((two)) five years and shall revise the plan, as deemed appropriate;

(4) Prepare a biennial "state of the Sound" report and submit such report to the governor, the legislature, and the state agencies and local governments identified in the plan. Copies of the report shall be made available to the public. The report shall describe the current condition of water quality and related resources in Puget Sound and shall include:

(a) The status and condition of the resources of Puget Sound, including the results of ecological monitoring, including an assessment of the economic value of Puget Sound;

(b) Current and foreseeable trends in water quality of Puget Sound and the management of its resources;

(c) Review of significant public and private activities affecting Puget Sound and an assessment of whether such activities are consistent with the plan; and

(d) Recommendations to the governor, the legislature, and appropriate state and local agencies for actions needed to remedy any deficiencies in current policies, plans, programs, or activities relating to the water quality of Puget Sound, and recommendations concerning changes necessary to protect and improve Puget Sound water quality; and

(5) Review the budgets and regulatory and enforcement activities of state agencies with responsibilities for water quality and related resources in Puget Sound; and

(6) Review state and local agencies whose plan implementation actions are inconsistent with the plan, as provided in RCW 90.70.070.

Sec. 12, Section 8, chapter 451, Laws of 1985 as amended by section 31, chapter 11, Laws of 1989 and RCW 90.70.060 are each amended to read as follows:

The plan adopted by the authority shall be a positive document prescribing the needed actions for the maintenance and enhancement of Puget Sound water quality. The plan shall address all the waters of Puget Sound, the Strait of Juan de Fuca, and, to the extent that they affect water quality in Puget Sound, all waters flowing into Puget Sound, and adjacent lands. The authority may define specific geographic boundaries within which the plan applies. The plan shall coordinate and incorporate existing planning and research efforts of state agencies and local government related to Puget Sound, and shall avoid duplication of existing efforts. The plan shall include:

(1) A statement of the goals and objectives for long and short-term management of the water quality of Puget Sound;

(2) A resource assessment which identifies critically sensitive areas, key characteristics, and other factors which lead to an understanding of Puget Sound as an ecosystem;

(3) Demographic information and assessment as relates to future water quality impacts on Puget Sound;

(4) An identification and legal analysis of all existing laws governing actions of government entities which may affect water quality management of Puget Sound, the interrelationships of those laws, and the effect of those laws on implementation of the provisions of the plan;

(5) Review and assessment of existing criteria and guidelines for governmental activities affecting Puget Sound's resources, including shoreline resources, aquatic resources, associated watersheds, recreational resources and commercial resources;

(6) Identification of research needs and priorities;

(7) Recommendations for guidelines, standards, and timetables for protection and clean-up activities and the establishment of priorities for major clean-up investments and nonpoint source management, and the projected costs of such priorities;

(8) A procedure assuring local government initiated planning for Puget Sound water quality protection;

(9) Ways to better coordinate federal, state, and local planning and management activities affecting Puget Sound's water quality;

(10) Public involvement strategies, including household hazardous waste education, community clean-up efforts, and public participation in developing and implementing the plan;

(11) Recommendations on protecting, preserving and, where possible, restoring wetlands and wildlife habitat and shellfish beds throughout Puget Sound;

(12) Recommendations for a comprehensive water quality and sediment monitoring program;

(13) Analysis of current industrial pretreatment programs for toxic wastes, and procedures and enforcement measures needed to enhance them;

(14) Recommendations for a program of dredge spoil disposal, including interim measures for disposal and storage of dredge spoil material from or into Puget Sound;

(15) Definition of major public actions subject to review and comment by the authority because of a significant impact on Puget Sound water quality and related resources, and development of criteria for review thereof;

(16) Recommendations for implementation mechanisms and potential funding sources to be used by state and local government agencies;

(17) Standards and procedures for reporting progress by state and local ((governments)) agencies in the implementation of the plan;

(18) An analysis of resource requirements and funding mechanisms for updating of the plan and plan implementation; and

(19) Legislation needed to assure plan implementation.

The authority shall circulate and receive comments on drafts of the plan mandated herein, and keep a record of all relevant comments made at public hearings and in writing. These records should be made easily available to interested persons. The authority shall also provide an opportunity for each state or local agency to comment upon a plan element or revision that it may be responsible for implementing.

As part of the plan, the authority shall prepare a strategy for implementing the plan that includes, but is not limited to: (a) Setting priorities for implementation of plan elements to facilitate executive and legislative decision making; (b) assessment of the capabilities and constraints, both internal and external, to state and local agencies that may affect plan implementation; and (c) an analysis of the strategic options in light of the resources available to the state. In developing this strategy, the authority shall consult and coordinate with other related environmental planning efforts.

To the extent practicable, funding to implement plan elements shall be identified separately in the omnibus appropriations act.

Sec. 13. Section 9, chapter 451, Laws of 1985 and RCW 90.70.070 are each amended to read as follows:

(1) In conducting planning, regulatory, and appeals actions, the state agencies and local governments identified in the plan must evaluate, and incorporate as applicable, subject to the availability of appropriated local, state, or federal funds or grants or other authorized funding sources applicable to water quality programs, the provisions of the plan, including any guidelines, standards, and timetables contained in the plan. Where lack of funding prevents full implementation, a state agency or local government shall use its best efforts to implement the plan in a timely manner. In conducting such actions, state agencies and local governments shall use their existing authorities consistent with fiscal considerations of the plan and this chapter. This subsection applies only to state agencies and local governments.

(2) The authority shall review the progress of state agencies and local governments regarding the timely implementation of the plan. Where prescribed actions have not been accomplished in accordance with the plan, the responsible state agencies and local governments shall, at the request of the authority, submit written explanations for the shortfalls, together with their proposed remedies, to the authority.

The results of the review and a description of the actions necessary to comply with the plan shall be included in the biennial state of the Sound report. The authority may also report to the legislature and the governor at any time regarding actions of one or more state or local agencies that are inconsistent with the plan.

(3) The state agencies and local governments identified in the plan shall review their activities biennially and document their consistency with the plan. They shall submit written reports or updates of their findings to the authority.

(4) The authority shall review the major actions affected by the plan being considered by the state agencies and local governments and shall comment in a timely manner regarding consistency with the plan and may participate in administrative and subsequent judicial proceedings with respect to such actions. Any deviations from the plan, identified by the authority, shall be transmitted in writing by the authority to the responsible state agency or local government.

(5) The implementation of the regulatory elements of the plan is solely the responsibility of state and federal agencies and local governments identified in the plan. Except as specifically provided in this chapter, the authority is not responsible for enforcement of the plan.

Sec. 14. Section 10, chapter 451, Laws of 1985 and RCW 90.70.080 are each amended to read as follows:

(1) To implement this chapter, state agencies are authorized to adopt rules that are applicable to actions and activities on a less than state-wide geographic basis. State agencies are encouraged to adopt rules that protect Puget Sound water quality before the adoption of the plan by the authority.

(2) A rule to implement an element of the plan shall contain a statement defining the geographic area within Puget Sound to which it applies. In determining the geographic area, state agencies shall consider at least the following factors:

(a) Number and location of primary affected persons;

(b) Geographical distribution of the actions and activities;

(c) Equity among regulated and nonregulated persons;

(d) Difficulty and practicality of implementation, including the effects on existing agency programs;

(e) Expected environmental benefits;

(f) Availability of information related to the actions and activities; and

(g) Requirements of other state or federal laws, rules, and policies.

(3) To implement this chapter, counties, cities, and towns are authorized to adopt ordinances, rules, and regulations that are applicable on less than a county-wide, city-wide, or

town-wide basis. Counties, cities, and towns are encouraged to adopt ordinances, rules, and regulations that protect Puget Sound water quality before the adoption of the plan by the authority.

NEW SECTION. Sec. 15. A new section is added to chapter 90.70 RCW to read as follows:

(1) In addition to other powers and duties specified in this chapter, the authority shall ensure implementation of the Puget Sound ambient monitoring program established in the plan under RCW 90.70.060(12). The program shall:

(a) Develop baseline data and examine differences among areas of Puget Sound;

(b) Take measurements relating to specific program elements identified in the plan;

(c) Measure the progress of the ambient monitoring programs implemented under the plan;

(d) Provide a permanent record of significant natural and human-caused changes in key environmental indicators in Puget Sound;

(e) Organize the data obtained in a manner to measure trends in key environmental indicators over time in Puget Sound or specific portions of Puget Sound; and

(f) Help support research on Puget Sound.

(2) To ensure proper coordination of the ambient monitoring program, the authority may establish an interagency coordinating committee consisting of representatives from the departments of ecology, fisheries, natural resources, wildlife, and health, and such federal, local, tribal, and other organizations as are necessary to implement the program.

(3) Each state or local agency or person with responsibilities for implementing the Puget Sound ambient monitoring program, as specified in the plan, shall participate in the program.

NEW SECTION. Sec. 16. A new section is added to chapter 90.70 RCW to read as follows:

(1) At least twenty days before public hearings commence regarding a proposal to adopt or revise the plan or any portion of it, the authority shall cause to be published in the state register the following information:

(a) A summary of the proposal;

(b) The personnel, with their office location and telephone numbers, who are responsible for the drafting of the proposal; and

(c) When, where, and how persons may present their views on the proposal.

(2) The authority may not adopt any portion of the plan that is substantially different from that which was summarized in the state register under subsection (1) of this section, unless a supplemental notice is published in the state register allowing public comment on the proposed variance for consideration by the authority before any adoption meeting. The following factors shall be considered in determining whether an adopted plan is substantially different from the published proposal:

(a) The extent to which a reasonable person affected by the adopted plan would have understood that the published proposal would affect his or her interests;

(b) The extent to which the subject of the adopted plan or the issues determined in it are substantially different from the subject or issues involved in the published proposal; and

(c) The extent to which the effects of the adopted plan differ from the effects of the published proposal.

NEW SECTION. Sec. 17. A new section is added to chapter 90.70 RCW to read as follows:

In addition to other powers and duties specified in this chapter, the authority may form a public nonprofit corporation in the same manner as a private nonprofit corporation is formed under chapter 24.03 RCW, the Washington Nonprofit Corporation Act. The public corporation shall be an instrumentality of the state and have all the powers and be subject to the same restrictions as are permitted or prescribed to private nonprofit corporations but shall exercise these powers only for carrying out the purposes of this section. The public corporation shall be known as the Puget Sound Foundation. The purposes of the foundation shall be to:

(1) Receive, disburse, and administer gifts, grants, endowments, or other funds from any source that support a comprehensive and coordinated program of research and education activities connected with Puget Sound water quality, consistent with the purposes of this chapter;

(2) Promote the coordination and support of research and education activities that address the cumulative effects of decisions on the Puget Sound ecosystem; and

(3) Assist in making the results of research available and useful to the decision-making process.

Sec. 18. Section 6, chapter 243, Laws of 1983 as amended by section 11, chapter 451, Laws of 1985 and RCW 90.70.900 are each amended to read as follows:

The Puget Sound water quality authority shall cease to exist and this chapter shall expire on June 30, ((1991)) 1997."

POINT OF ORDER

Senator Newhouse: "Mr. President, a point of order. I respectfully raise the scope and object of the amendment as expanding that of the bill."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 6326 was deferred.

Vice President Pro Tempore Craswell assumed the Chair.

SECOND READING

SENATE BILL NO. 6726, by Senators Owen, Metcalf and Patrick

Providing funds for firearm range facilities.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 6726 was substituted for Senate Bill No. 6726 and the substitute bill was placed on second reading and read the second time.

Senator Owen moved that the following amendment by Senators Owen and Metcalf be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Firearms are collected, used for hunting, recreational shooting, and self-defense, and firearm owners as well as bow users need safe, accessible areas in which to shoot their equipment. Approved shooting ranges provide that opportunity, while at the same time, promote public safety. Interest in all shooting sports has increased while safe locations to shoot have been lost to the pressures of urban growth.

NEW SECTION. Sec. 2. The firearms range account is hereby created in the state general fund. Any funds remaining in the firearm range account established by RCW 77.12.195, at the time of its repeal by section 6 of this act, shall be transferred to the firearms range account established in this section. Moneys in the account shall be subject to legislative appropriation and shall be used for purchase and development of land, construction or improvement of range facilities, including fixed structure construction or remodeling, equipment purchase, safety or environmental improvements, noise abatement, and liability protection for public and nonprofit firearm range training and practice facilities.

Grant funds shall not be used for expendable shooting supplies, or normal operating expenses. Grant funds shall not supplant funds for other organization programs.

The funds will be available to nonprofit shooting organizations, school districts, and state, county, or local governments on a match basis. All ranges receiving matching funds must be open on a regular basis and usable by law enforcement personnel or the general public who possess Washington concealed carry permits or Washington hunting licenses.

Applicants for a grant from the firearms range account shall provide matching funds in either cash or in-kind contributions. The match must represent one dollar in value for each one dollar of the grant. In-kind contributions include but are not limited to labor, materials, and new property. Existing assets and existing development may not apply to the match.

Applicants other than school districts or local or state government must be registered as a nonprofit or not-for-profit organization with the Washington secretary of state and the United States internal revenue service. The organization's articles of incorporation must contain provisions for the organization's structure, officers, legal address, and registered agent.

Organizations requesting grants must provide the hours of range availability for public and law enforcement use. The fee structure will be submitted with the grant application.

Any nonprofit organization or agency accepting a grant under this program will be required to pay back the entire grant amount to the firearms range account if the use of the range facility is discontinued less than ten years after the grant is accepted.

Facilities receiving grants must be open for hunter safety education classes on a regular basis for no fee.

Government units or school districts applying for grants must open their range facility on a regular basis for hunter safety education training.

The interagency committee for outdoor recreation shall adopt rules to implement this act pursuant to chapter 34.05 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 77.12 RCW to read as follows:

(1) A ten-member firearms range advisory committee is hereby created to provide advice and counsel to the interagency committee for outdoor recreation. The members shall be appointed by the director of the interagency committee for outdoor recreation from the following groups:

- (a) Law enforcement;
- (b) Washington military department;
- (c) Black powder shooting sports;
- (d) Rifle shooting sports;
- (e) Pistol shooting sports;
- (f) Shotgun shooting sports;

- (g) Archery shooting sports;
- (h) Hunter education;
- (i) Hunters; and
- (j) General public.

(2) The firearms range advisory committee members shall serve two-year terms with five new members being selected each year beginning with the third year of the committee's existence. The firearms range advisory committee members shall not receive compensation from the firearms range account. However, travel and per diem costs shall be paid consistent with regulations for state employees.

(3) The interagency committee for outdoor recreation shall provide administrative, operational, and logistical support for the firearms range advisory committee. Expenses directly incurred for supporting this program may be charged by the interagency committee for outdoor recreation against the firearms range account. Expenses shall not exceed ten percent of the yearly income for the range account.

(4) The interagency committee for outdoor recreation shall in cooperation with the firearms range advisory committee:

- (a) Develop an application process;
- (b) Develop an audit and accountability program;
- (c) Screen, prioritize, and approve grant applications; and
- (d) Monitor compliance by grant recipients.

(5) The department of natural resources, the department of wildlife, and the Washington military department are encouraged to provide land, facilitate land exchanges, and support the development of shooting range facilities.

NEW SECTION. Sec. 4. A new section is added to chapter 77.12 RCW to read as follows:

The interagency committee for outdoor recreation may accept gifts and grants upon such terms as the committee shall deem proper. All monetary gifts and grants shall be deposited in the firearms range account of the general fund.

NEW SECTION. Sec. 5. The interagency committee for outdoor recreation, with advice and counsel from the firearms range advisory committee shall prepare an evaluation of the program and make recommendations to the governor and legislature by December 1, 1991.

NEW SECTION. Sec. 6. Section 9; chapter 263, Laws of 1988 and RCW 77.12.195 are each repealed.

NEW SECTION. Sec. 7. The sum of four hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the firearms range account of the general fund to the interagency committee for outdoor recreation for the purposes of providing grants for firearms range facilities."

POINT OF INQUIRY

Senator McDonald: "Senator Owen, I notice that you have four hundred and fifty thousand from a--what the heck is it--general fund firearms range account. I'm kind of a student of this, but I've never heard of that one. What the heck is that?"

Senator Owen: "The firearms range account? That's the account that was created last year or the year before--I can't remember exactly which year--which takes an assessment from the concealed weapons permit and it is a dedicated account specifically for firearms ranges. I believe the amount of revenue that's there is the anticipated amount that would be available by that time."

POINT OF INQUIRY

Senator Nelson: "Senator Owen, I really have a couple of questions here. I notice that any non-profit organization, any government entity, any school district can be the applicant for the money to establish a range. I'm asking specifically on page 3, lines 14 down through 30, that any of these entities who now receive these monies must keep their ranges open on a 'regular basis' for such things as hunter safety education training. Nowhere do I see what it means by 'regular basis.' Can you explain what that means?"

Senator Owen: "Well, our objective is that these ranges be readily available. If they are going to use public funds for it, that they should be readily available for public use and for hunter safety courses regularly. I don't know how else to say that other than if there's going to be a hunter safety course, which goes on every year, those ranges should be available for that purpose at reasonable hours throughout the year."

Senator Nelson: "The second question is on page 4, where we now establish this firearms range advisory committee made up of lots of sporting groups and law enforcement, and military and the rest. It says that travel and per diem costs are

going to be paid to all of these people who are part of this firearms range committee the same as would be state employees, but I notice that their per diem is coming out of the general fund and that no expenses are paid out of the firearms range account. Now you just explained to Senator McDonald that we were establishing the account to take care of all of the expenses, but we have all the people on the firearms range committee dipping into the general fund. I don't think that Senator McDonald understands that. Can you explain it?"

Senator Owen: "It's our intent, Senator Nelson, that this committee be handled as any other committee that is appointed in the state. I don't see where that is inconsistent with what we're doing with the other committees that are appointed to carry out advisory functions for the state."

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Owen and Metcalf to Substitute Senate Bill No. 6726.

The motion by Senator Owen carried and the amendment was adopted on a standing vote.

MOTIONS

On motion of Senator Owen, the following title amendment was adopted:

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "adding new sections to chapter 77.12 RCW; creating new sections; repealing RCW 77.12.195; and making an appropriation."

On motion of Senator Metcalf, Engrossed Substitute Senate Bill No. 6726 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6726.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6726 and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Wojahn - 43.

Voting nay: Senators Nelson, Saling, Williams - 3.

Excused: Senators DeJarnatt, Matson, McCaslin - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6726, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6274, by Senator West

Establishing regional health promotion and disease prevention districts.

MOTIONS

On motion of Senator West, Second Substitute Senate Bill No. 6274 was substituted for Senate Bill No. 6274 and the second substitute bill was placed on second reading and read the second time.

Senator Wojahn moved that the following amendments by Senators Wojahn, West and Niemi be considered simultaneously and be adopted:

On page 3, line 33, after "people;" strike "and"

On page 4, line 1, after "cocaine;" insert "and"

(1) Reduce by twenty-five percent the number of infants born to chemical abusing women;"

On page 5, line 10, strike "and"

On page 5, line 11, after "efforts" insert ", and local projects to prevent the use of controlled substances and alcohol during pregnancy and immediately after pregnancy."

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Wojahn, West and Niemi on page 3, line 33; page 4, line 1; and page 5, lines 10 and 11; to Second Substitute Senate Bill No. 6274.

The motion by Senator Wojahn carried and the amendments were adopted.

On motion of Senator West, Engrossed Second Substitute Senate Bill No. 6274 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6274.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6274 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Matson, McCaslin - 3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6274, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6326 and the pending amendment by Senators Talmadge, Bender, Rinehart, Murray, Fleming and Niemi on page 3, after line 15, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Newhouse, the President finds that Substitute Senate Bill No. 6326 is a measure providing for water quality field agents in South Puget Sound jointly administered by the Washington Sea Grant Program and the Cooperative Extension Service.

"The amendment proposed by Senators Talmadge, Bender, Rinehart, Murray, Fleming and Niemi continues the Puget Sound Water Quality Authority, amends sections relating to water quality plans and extends the termination date for the Authority from 1991 to 1997.

"The President, therefore, finds that the amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Talmadge, Bender, Rinehart, Murray, Fleming and Niemi to Substitute Senate Bill No. 6326 was ruled out of order.

MOTION

On motion of Senator Metcalf, Substitute Senate Bill No. 6326 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6326.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6326 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Matson, McCaslin - 3.

SUBSTITUTE SENATE BILL NO. 6326, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5020, by Senator Metcalf

Promoting certain aquacultural practices.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5020 was substituted for Senate Bill No. 5020 and the substitute bill was placed on second reading and read the second time.

Senator Metcalf moved that the following amendment by Senators Metcalf, Anderson, Smitherman, Craswell, McMullen, Conner and von Reichbauer be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to Title 79 RCW to read as follows:

No state authority may permit the siting of a floating salmon net pen that a county legislative authority has denied.

NEW SECTION. Sec. 2. A new section is added to Title 79 RCW to read as follows:

When making decisions regarding marine net pens, counties and the state shall give marine net pens coequal status with any other water-dependent use."

MOTION

Senator Metcalf moved that the following amendment by Senators Metcalf and Vognild to the striking amendment by Senators Metcalf, Anderson, Smitherman, McMullen, Craswell, Conner and von Reichbauer be adopted:

On page 1, beginning on line 14, strike all of section 2

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Metcalf and Vognild on page 1, line 14, to the striking amendment by Senators Metcalf, Anderson, Smitherman, McMullen, Craswell, Conner and von Reichbauer to Substitute Senate Bill No. 5020.

The motion by Senator Metcalf carried and the amendment to the striking amendment was adopted.

POINT OF ORDER

Senator Sutherland: "Thank you, Mr. President, a point of order. I request a ruling on scope and object on the amended striking amendment to Substitute Senate Bill No. 5020. I might add that I think the scope of the title is broad enough--An Act relating to Aquaculture--however, I believe, it is outside the object of the bill. Quite honestly, the bill requested additional reports such as they just issued last month on the environmental impact statement and other things for aquaculture. This just does ignore it and gives it back to the county."

Debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5020 was deferred.

President Pro Tempore Bluechel assumed the Chair.

SECOND READING

SENATE BILL NO. 6567, by Senators Lee and Smitherman (by request of Employment Security Department)

Revising the definition of benefit year for unemployment compensation.

The bill was read the second time.

MOTION

On motion of Senator Lee, Senate Bill No. 6567 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6567.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6567 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators DeJarnatt, Matson, McCaslin - 3.

SENATE BILL NO. 6567, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6568, by Senators Lee and Smitherman (by request of Employment Security Department)

Revising provisions for unemployment compensation overpayments.

The bill was read the second time.

MOTION

On motion of Senator Lee, Senate Bill No. 6568 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6568.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6568 and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senators Moore, Vognild - 2.

Excused: Senators DeJarnatt, Matson, McCaslin - 3.

SENATE BILL NO. 6568, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6639, by Senators McDonald, McMullen, Bluechel, Niemi, Patrick, Warnke, Metcalf, Vognild, Bailey, Conner, Talmadge, Rinehart, Williams, Murray, Moore and von Reichbauer

Authorizing a real estate excise tax for the acquisition of conservation areas.

MOTIONS

On motion of Senator McDonald, Substitute Senate Bill No. 6639 was substituted for Senate Bill No. 6639 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDonald, Substitute Senate Bill No. 6639 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, does this replace that excise tax that we promised the people we wouldn't reinstitute after a two-year period?"

Senator McDonald: "Senator Rasmussen, I guess I'm not tracking."

Senator Rasmussen: "This increases the excise tax on real estate."

Senator McDonald: "That is correct. It's a local option. If Pierce County decided by a vote of the people to do it, then it would be instituted."

Senator Rasmussen: "So, five thousand people who wouldn't be buying any house, it wouldn't impose a tax, because it doesn't affect them, but it would affect those people--young people--that want to buy. Is that the end result?"

Senator McDonald: "If they purchased it, yes--and if Pierce County imposed it by a vote of the people, then, yes, that would be the effect."

Further debate ensued.

POINT OF INQUIRY

Senator Barr: "Senator McDonald, maybe I heard you wrong, but I thought you said that they would purchase development rights and no one has said exactly what they're buying. Are they taking title of the land or is it like I thought you said, development rights?"

Senator McDonald: "In Section 2, it says, 'The legislative authority of each county may acquire a fee simple interest, or lesser interest, in conservation areas.' It goes on to say, 'the term conservation area means land and water that has environmental, agricultural aesthetic, cultural, scientific, historic, and scenic.' I think you could either buy the development rights or you could buy the land out right. It's up to the county."

Senator Barr: "OK, thank you. If this is imposed, it would be a tax increase. That's correct, isn't it?"

Senator McDonald: "For those counties which decided to do that, yes it would be, but it is not a tax increase per se."

MOTION

On motion of Senator Anderson, Senator Smith was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6639.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6639 and the bill passed the Senate by the following vote: Yeas, 29; nays, 16; excused, 4.

Voting yea: Senators Anderson, Bailey, Bender, Benitz, Bluechel, Conner, Fleming, Hansen, Johnson, Kreidler, Lee, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Patrick, Rinehart, Smitherman, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 29.

Voting nay: Senators Amondson, Barr, Bauer, Cantu, Craswell, Gaspard, Hayner, Madsen, Newhouse, Owen, Patterson, Rasmussen, Saling, Sellar, Stratton, Thorsness - 16.

Excused: Senators DeJarnatt, Matson, McCaslin, Smith - 4.

SUBSTITUTE SENATE BILL NO. 6639, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6506, by Senators McCaslin, Amondson, Nelson, Johnson, Barr, Saling, Anderson, Bailey, West, Stratton, Rasmussen and von Reichbauer

Clarifying use of wood pellet burning stoves during periods of local impaired air quality.

The bill was read the second time.

MOTION

Senator Metcalf moved that the following Committee on Environment and Natural Resources amendment not be adopted:

On page 1, line 20, strike "1990" and insert "(1990) 1991"

The President Pro Tempore declared the question before the Senate to be the motion by Senator Metcalf that the Committee on Environment and Natural Resources amendment on page 1, line 20, to Senate Bill No. 6506 not be adopted.

The motion by Senator Metcalf carried and the committee amendment was not adopted.

MOTION

Senator Metcalf moved that the following amendments by Senators Metcalf, Rasmussen and Amundson be considered simultaneously and be adopted:

On page 1, line 20, after "contamination," strike all material through "RCW 70.94.457," on line 25 and insert ~~"(if, after July 1, 1990, the department determines that there is quantitative evidence that wood stoves meeting the requirements of RCW 70.94.457 are contributing to impaired air quality, the department or any authority may prohibit burning of all solid fuel burning devices as provided by this section including those meeting the requirements of RCW 70.94.457:))"~~

On page 1, after line 25, add a new subsection as follows:

"(3) The department or authority shall publicly announce the effective date and time when issuing a declaration of an episode of impaired air quality."

POINT OF ORDER

Senator Talmadge: "Mr. President, I rise to a point of order. I believe the amendment--both amendments--expand the scope and object of the bill. It appears that this is a bill that deals solely with wood pellet burning stoves. The two amendments delete language relating to the authority of the department to determine whether or not wood burning stoves add quantitatively to air pollution problems, while the second amendment deals with the time and circumstances under which the department may publicly announce bans on wood burning because of episodes of impaired air quality. I believe that the amendments are beyond the scope and object of the bill that had originally been calculated to deal only with wood pellet stoves."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 6506 was deferred.

President Pritchard assumed the Chair.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5020 and the pending striking amendment, as amended, by Senators Metcalf, Anderson, Smitherman, McMullen, Craswell, Conner and von Reichbauer, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Sutherland, the President finds that Substitute Senate Bill No. 5020 is a measure regulating aquacultural practices providing for, among other things, requirements that local governments incorporate state aquaculture regulations in local shorelines plans.

"The amendment, as amended, proposed by Senators Metcalf, Anderson, Smitherman, McMullen, Craswell, Conner and von Reichbauer prohibits the state from granting certain aquaculture permits denied by county legislative authorities.

"The President, therefore, finds that the amendment, as amended, does not change the scope and object of the bill and that the point of order is not well taken."

The striking amendment, as amended, by Senators Metcalf, Anderson, Smitherman, McMullen, Craswell, Conner and von Reichbauer to Substitute Senate Bill No. 5020 was ruled in order.

The President declared the question before the Senate to be the adoption of the striking amendment, as amended, by Senators Metcalf, Anderson, Smitherman, McMullen, Craswell, Conner and von Reichbauer to Substitute Senate Bill No. 5020.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Metcalf, it says here that the effect of the proposed substitute bill would be, 'Aquaculture is limited by definition to saltwater salmon, net pens, herring culture and seaweed culture.' All of this has to do with salt water pens?"

Senator Metcalf: "Aquaculture is many things and some of them you mentioned. All this bill deals with is floating salmon net pens, period. Nothing else."

Senator Rasmussen: "Thank you. There were some of the other fish farmers that were worried."

Senator Metcalf: "Yes, this should relieve their concern."

POINT OF INQUIRY

Senator Nelson: "Senator Metcalf, with the amendment, I noticed we moved totally away from Chapter 90 that the original bill addressed. It strikes all of that and inserts everything into Chapter 79. Frankly, I don't recall what all those two chapters deal with. It becomes a big surprise why we're moving it to a completely different set of RCWs to address this particular local government denial. Can you explain that?"

Senator Metcalf: "No, I cannot, Senator Nelson. I had staff draw the amendments and I will try to get an answer for you if you're concerned. Vic Moon is out there. He's the one who drew the amendment. No, I cannot answer that."

The President declared the question before the Senate to be the adoption of the striking amendment, as amended, by Senators Metcalf, Anderson, Smitherman, McMullen, Craswell, Conner and von Reichbauer to Substitute Senate Bill No. 5020.

The motion by Senator Metcalf carried and the striking amendment, as amended, to Substitute Senate Bill No. 5020 was adopted.

MOTIONS

On motion of Senator Metcalf, the following title amendment was adopted:

On page 1, line 1 of the title, after "aquaculture," strike the remainder of the title and insert "and adding new section to Title 79 RCW."

On motion of Senator Metcalf, Engrossed Substitute Senate Bill No. 5020 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5020.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5020 and the bill failed to pass the Senate by the following vote: Yeas, 18; nays, 27; excused, 4.

Voting yea: Senators Anderson, Bailey, Bender, Craswell, Fleming, Johnson, McMullen, Metcalf, Moore, Murray, Nelson, Patrick, Rinehart, Smitherman, Talmadge, Vogt, von Reichbauer, Wojahn - 18.

Voting nay: Senators Amondson, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, McDonald, Newhouse, Niemi, Owen, Patterson, Rasmussen, Sailing, Sellar, Stratton, Sutherland, Thorsness, Warnke, West, Williams - 27.

Excused: Senators DeJarnatt, Matson, McCaslin, Smith - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5020, having failed to receive the constitutional majority, was declared lost.

There being no objection, the Senate resumed consideration of Senate Bill No. 6506 and the pending amendments by Senators Metcalf, Rasmussen and Amondson on page 1, lines 20 and 25, deferred earlier today.

MOTION

On motion of Senator Talmadge, and there being no objection, the Point of Order on the amendments was withdrawn.

The President declared the question before the Senate to be the adoption of the amendments by Senators Metcalf, Rasmussen and Amondson on page 1, lines 20 and 25, to Senate Bill No. 6506.

The amendments by Senators Metcalf, Rasmussen and Amondson on page 1, lines 20 and 25, to Senate Bill No. 6506 were adopted.

MOTION

On motion of Senator Amondson, Engrossed Senate Bill No. 6506 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6506.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6506 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Paterson, Rasmussen, Saling, Sellar, Smitherman, Stratton, Sutherland, Taimadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senator Rinehart - 1.

Excused: Senators DeJarnatt, Matson, McCaslin, Smith - 4.

ENGROSSED SENATE BILL NO. 6506, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Anderson served notice that she would move to reconsider the vote by which Substitute Senate Bill No. 6493 passed the Senate earlier today.

SECOND READING

SENATE BILL NO. 6630, by Senators Barr and Hansen

Revising provisions for the subdivision of land that is in whole or in part within an irrigation district and that has been previously platted by the United States.

The bill was read the second time.

MOTION

On motion of Senator Barr, Senate Bill No. 6630 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6630.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6630 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Paterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Taimadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators DeJarnatt, Matson, McCaslin, Smith - 4.

SENATE BILL NO. 6630, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Vognild was excused.

SECOND READING

SENATE BILL NO. 6370, by Senators von Reichbauer, DeJarnatt, Patrick, McCaslin and Thorsness

Changing provisions relating to changing the name of a city or town.

The bill was read the second time.

MOTION

On motion of Senator von Reichbauer, Senate Bill No. 6370 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6370.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6370 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Paterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators DeJarnatt, Matson, McCaslin, Smith, Vognild - 5.

SENATE BILL NO. 6370, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Health and Long-Term Care was relieved of further consideration of House Bill No. 2562.

On motion of Senator Newhouse, House Bill No. 2562 was referred to the Committee on Law and Justice.

MOTION

At 4:48 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Monday, February 12, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

THIRTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 12, 1990

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bailey, Bender, Bluechel, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Madsen, Rasmussen, Rinehart, Sutherland, Talmadge, von Reichbauer and Wojahn. Because of the inclement weather, and there being no objection, the President excused all the Senators not present.

The Sergeant at Arms Color Guard, consisting of Pages Christina Downie and Josh Droz, presented the Colors. Reverend Robert Schiefer, pastor of the Olympia Seventh-Day Adventist Church, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

February 9, 1990

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1492,

SECOND SUBSTITUTE HOUSE BILL NO. 1663,

REENGROSSED HOUSE BILL NO. 1724,

SUBSTITUTE HOUSE BILL NO. 1765,

SUBSTITUTE HOUSE BILL NO. 1824,

HOUSE BILL NO. 2295,

HOUSE BILL NO. 2310,

SUBSTITUTE HOUSE BILL NO. 2315,

SECOND SUBSTITUTE HOUSE BILL NO. 2323,

ENGROSSED HOUSE BILL NO. 2331,

HOUSE BILL NO. 2334,

ENGROSSED HOUSE BILL NO. 2335,

SUBSTITUTE HOUSE BILL NO. 2342,

HOUSE BILL NO. 2343,

SECOND SUBSTITUTE HOUSE BILL NO. 2359,

HOUSE BILL NO. 2373,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2375,

SECOND SUBSTITUTE HOUSE BILL NO. 2379,

SECOND SUBSTITUTE HOUSE BILL NO. 2405,

ENGROSSED HOUSE BILL NO. 2406,

SECOND SUBSTITUTE HOUSE BILL NO. 2443,

HOUSE BILL NO. 2475,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2513,

SUBSTITUTE HOUSE BILL NO. 2516,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2517,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2533,

SUBSTITUTE HOUSE BILL NO. 2536,

SECOND SUBSTITUTE HOUSE BILL NO. 2543,

ENGROSSED HOUSE BILL NO. 2560,

ENGROSSED HOUSE BILL NO. 2567,

SUBSTITUTE HOUSE BILL NO. 2584,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2593,

ENGROSSED HOUSE BILL NO. 2618,

ENGROSSED HOUSE BILL NO. 2636,

ENGROSSED HOUSE BILL NO. 2641.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2653,
HOUSE BILL NO. 2654,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2706,
ENGROSSED HOUSE BILL NO. 2722,
HOUSE BILL NO. 2739,
HOUSE BILL NO. 2746,
SUBSTITUTE HOUSE BILL NO. 2752,
HOUSE BILL NO. 2761,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2801,
ENGROSSED HOUSE BILL NO. 2842,
SUBSTITUTE HOUSE BILL NO. 2858,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2879,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2906,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2907,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2916,
ENGROSSED HOUSE BILL NO. 2924,
HOUSE JOINT RESOLUTION NO. 4228, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 9, 1990

Mr. President:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1293,
SUBSTITUTE HOUSE BILL NO. 1597,
SECOND SUBSTITUTE HOUSE BILL NO. 1624,
SECOND SUBSTITUTE HOUSE BILL NO. 1653,
SUBSTITUTE HOUSE BILL NO. 2059,
SECOND SUBSTITUTE HOUSE BILL NO. 2270,
ENGROSSED HOUSE BILL NO. 2338,
HOUSE BILL NO. 2353,
SUBSTITUTE HOUSE BILL NO. 2378,
HOUSE BILL NO. 2389,
SUBSTITUTE HOUSE BILL NO. 2403,
HOUSE BILL NO. 2410,
SUBSTITUTE HOUSE BILL NO. 2421,
SUBSTITUTE HOUSE BILL NO. 2436,
SUBSTITUTE HOUSE BILL NO. 2463,
ENGROSSED HOUSE BILL NO. 2470,
SUBSTITUTE HOUSE BILL NO. 2515,
SUBSTITUTE HOUSE BILL NO. 2524,
SUBSTITUTE HOUSE BILL NO. 2539,
SUBSTITUTE HOUSE BILL NO. 2587,
ENGROSSED HOUSE BILL NO. 2602,
HOUSE BILL NO. 2661,
HOUSE BILL NO. 2687,
HOUSE BILL NO. 2705,
HOUSE BILL NO. 2707,
HOUSE BILL NO. 2719,
SUBSTITUTE HOUSE BILL NO. 2728,
HOUSE BILL NO. 2753,
HOUSE BILL NO. 2802,
HOUSE BILL NO. 2803,
HOUSE BILL NO. 2810,
SUBSTITUTE HOUSE BILL NO. 2861,
HOUSE BILL NO. 2901,
SUBSTITUTE HOUSE BILL NO. 2935,
HOUSE BILL NO. 2959,
SUBSTITUTE HOUSE BILL NO. 2992,
SUBSTITUTE HOUSE BILL NO. 2996,
HOUSE BILL NO. 2997,
HOUSE BILL NO. 2998,
SUBSTITUTE HOUSE BILL NO. 3001.

SUBSTITUTE HOUSE BILL NO. 3002.

SUBSTITUTE HOUSE BILL NO. 3007, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 1293 by Committee on Trade and Economic Development (originally sponsored by Representatives G. Fisher, Cantwell, Doty, Schoon, Rasmussen, Raiter, Moyer, Rector, R. King, Todd, McLean and P. King) (by request of Director of Trade and Economic Development)

Revising provisions for the community economic revitalization board.

Referred to Committee on Economic Development and Labor.

ESHB 1492 by Committee on Health Care (originally sponsored by Representatives Ebersole, D. Sommers, Vekich, Cantwell, Chandler, Jones, Morris, Day, May, R. Meyers, Anderson, P. King and Phillips)

Defining chiropractic care.

Referred to Committee on Health and Long-Term Care.

SHB 1597 by Committee on State Government (originally sponsored by Representatives Patrick, Tate, Sayan, Bowman, Nelson, Todd, Brumsickle and Rust)

Establishing a geologists' review board.

Referred to Committee on Governmental Operations.

2SHB 1624 by Committee on Natural Resources and Parks (originally sponsored by Representatives Belcher, R. King, K. Wilson, Brumsickle, Haugen, Bowman, Locke, Jacobsen and Sayan)

Regulating the sale of valuable materials from state-owned tidelands and shorelands.

Referred to Committee on Environment and Natural Resources.

2SHB 1653 by Committee on Judiciary (originally sponsored by Representative Appelwick)

Regulating credit agreements.

Referred to Committee on Financial Institutions and Insurance.

2SHB 1663 by Committee on Housing (originally sponsored by Representatives Nutley, Winsley, Leonard, Ballard, Anderson, Jacobsen, Locke, O'Brien, Prentice, Sayan, Wineberry, Ebersole, Brekke, Rust, Nelson and Rector)

Enacting the farmworker housing act.

Referred to Committee on Agriculture.

REHB 1724 by Representatives Prentice, Patrick, S. Wilson, Baugher, Walk, Betzoff, Zellinsky, Wood, Todd, R. Fisher, Nelson, Cooper, Holland, Sayan, D. Sommers, Gallagher, Anderson, Cantwell, Leonard, Haugen and Winsley (by request of Legislative Transportation Committee)

Establishing criteria for state highway designation.

Referred to Committee on Transportation.

SHB 1765 by Committee on Appropriations (originally sponsored by Representatives Hine, G. Fisher, Peery, Betzoff, Holland, Heavey, Valle, Cole, Dellwo, Pruitt, Cantwell, Todd and Spanel)

Establishing the professional educator renewal program.

Referred to Committee on Education.

- SHB 1824 by Committee on Higher Education (originally sponsored by Representatives Wood, Jacobsen, Wineberry and P. King)
Regarding tuition waivers for state employees at state institutions of higher education.
Referred to Committee on Higher Education.
- SHB 2059 by Committee on Trade and Economic Development (originally sponsored by Representatives Sayan, Cantwell, Basich, Van Luven, Jones, Dorn, Ferguson, Rayburn and P. King)
Creating the Washington hardwoods commission.
Referred to Committee on Environment and Natural Resources.
- 2SHB 2270 by Committee on Appropriations (originally sponsored by Representatives Heavey, Ballard, Phillips, Rayburn, Walker, Rasmussen, H. Myers, Todd, Crane, Jacobsen, Wolfe, Ferguson, Day, D. Sommers, Nealey, Doty, Rector, Haugen, Brumsickle, Spanel, Cooper, Silver, K. Wilson and P. King)
Regulating transport of food items.
Referred to Committee on Agriculture.
- HB 2295 by Representatives Sayan, Wolfe and Basich
Revising provisions for reimbursement to department of social and health services employees for costs related to assaults.
Referred to Committee on Health and Long-Term Care.
- HB 2310 by Representatives H. Sommers, Schoon and Rasmussen (by request of State Treasurer)
Modifying the state's ability to lease and lease back land.
Referred to Committee on Governmental Operations.
- SHB 2315 by Committee on Appropriations (originally sponsored by Representatives R. Meyers, Belcher, Vekich, Brumsickle, Zellinsky, Sayan, Fraser and Pruitt)
Creating additional superior court positions in Kitsap and Thurston counties.
Referred to Committee on Law and Justice.
- 2SHB 2323 by Committee on Appropriations (originally sponsored by Representatives Pruitt, Sprenkle, Silver, Phillips, Morris, R. Fisher, G. Fisher, Rayburn, Brumsickle, Fraser, Anderson, H. Myers, Rust, R. Meyers, Dorn, Rector, Basich, Kremen, Todd, Winsley, Schoon, Wolfe, Cooper, Inslee and Kirby)
Increasing governmental accountability.
Referred to Committee on Governmental Operations.
- EHB 2331 by Representatives H. Myers, Peery, Betzoff, Jacobsen, Brumsickle, Pruitt, Rector, Spanel, Cooper, Phillips, Rayburn, Jones, Basich, Crane, Winsley, Schoon and Wang
Requiring teachers to complete a course on issues of abuse.
Referred to Committee on Education.
- HB 2334 by Representatives Ferguson, Appelwick, Haugen, Jones, Phillips, May, R. Meyers, Hargrove, Heavey, Holland, Winsley, D. Sommers, Wolfe, Fuhrman, Tate, Youngsman, Rasmussen and Raiter
Changing the blood and breath alcohol content standards for intoxication.
Referred to Committee on Law and Justice.

EHB 2335 by Representatives Silver, R. Fisher, Prince, Anderson, McLean, Pruitt, Smith, Hankins, Rector, Jacobsen, Winsley, Schoon, Wolfe, Fraser and Kirby

Regulating preservation of historical and abandoned cemeteries.

Referred to Committee on Governmental Operations.

EHB 2338 by Representatives Appelwick, R. Meyers, Crane and May

Raising claim limits of actions subject to mandatory arbitration.

Referred to Committee on Law and Justice.

SHB 2342 by Committee on Commerce and Labor (originally sponsored by Representatives Vekich, Zellinsky, R. King, Cole, Schmidt, Leonard, Winsley, Prentice, Ferguson, Sayan and Jones)

Licensing fire protection sprinkler system contractors.

Referred to Committee on Economic Development and Labor.

HB 2343 by Representatives Fraser, Holland, Wang, Horn and May (by request of Department of Revenue)

Expanding the secrecy clause for tax information and administration.

Referred to Committee on Ways and Means.

HB 2353 by Representatives R. Fisher, Silver, H. Sommers, McLean, Anderson, Rector and Jacobsen

Changing requirements for state agency use of credit reporting agencies.

Referred to Committee on Governmental Operations.

2SHB 2359 by Committee on Appropriations (originally sponsored by Representatives Valle, Peery, Betzoff, Holland, Leonard, Rector, Jacobsen, Wineberry, Winsley, Wang, Miller and Van Luven) (by request of Superintendent of Public Instruction)

Creating the homeless education grant program.

Referred to Committee on Education.

HB 2373 by Representatives Holland, H. Sommers, Schoon, Wang, Rasmussen, Ferguson, Silver, Todd, Winsley, Van Luven, Rector and Horn

Revising bond information requirements.

Referred to Committee on Ways and Means.

ESHB 2375 by Committee on Appropriations (originally sponsored by Representatives Betzoff, Peery, Brumsickle, Valle, Walker, H. Myers, Rasmussen, Schoon, Winsley, Pruitt, Brough, Moyer, Wolfe, Todd, Haugen, Scott, P. King, Rector, Wood, Doty, Basich, Youngsman, May, Kremen, Ferguson, Wineberry and Horn)

Creating ALL KIDS CAN LEARN incentive grants.

Referred to Committee on Education.

SHB 2378 by Committee on Capital Facilities and Financing (originally sponsored by Representatives Leonard, Holland, Walker, Cole, Nutley, Pruitt, Prentice, Kirby, Heavey, Ebersole, G. Fisher, Peery, H. Sommers, Miller, Winsley and Wineberry)

Changing the authority of educational service district boards with regard to the purchase and sale of property used for the operation of the educational service district.

Referred to Committee on Education.

2SHB 2379 by Committee on Appropriations (originally sponsored by Representatives Peery, Betzoff, Dorn, Jacobsen, Hargrove, Holland,

Van Luven, P. King, H. Myers, Kirby, Wineberry, Ebersole, May, Ferguson and Rasmussen) (by request of Governor Gardner)

Creating student enrollment options programs.

Referred to Committee on Education.

HB 2389 by Representatives G. Fisher, D. Sommers, Rust, Jacobsen, Crane, Valle, Pruitt, Rayburn, P. King, Rector, Phillips and Ferguson (by request of Department of Ecology)

Regulating transporting waste material.

Referred to Committee on Environment and Natural Resources.

SHB 2403 by Committee on State Government (originally sponsored by Representatives Rector, Ballard, Peery, Silver, Heavey, Dellwo, Jacobsen, Nelson, Hankins, Miller, H. Sommers, Kirby, Winsley, McLean, Todd, H. Myers and Jones)

Adding video telecommunication responsibilities to the department of information services.

Referred to Committee on Governmental Operations.

2SHB 2405 by Committee on Appropriations (originally sponsored by Representatives Rector, Winsley, Nutley, Padden, Anderson, Leonard, Jacobsen, Dellwo, Wang, Brekke, Todd, Moyer, Inslee, Scott, Valle, Wood, Phillips and O'Brien)

Establishing the homelessness prevention program.

Referred to Committee on Economic Development and Labor.

EHB 2406 by Representatives D. Sommers, Day, Moyer, Baugher, Dellwo, Gallagher, Schoon, Holland, Rector and Nealey

Limiting the ban on tobacco on public school property.

Referred to Committee on Education.

HB 2410 by Representatives Anderson, Wolfe, Prentice, Brooks, Locke, Scott, Miller, Wood, Wineberry and Brekke

Extending medical assistance hospice benefits through the end of this biennium.

Referred to Committee on Health and Long-Term Care.

SHB 2421 by Committee on Natural Resources and Parks (originally sponsored by Representatives Dorn, Belcher, Beck, Rasmussen, Betrozoff and R. King)

Requiring safety standards for the operation of jet skis.

Referred to Committee on Environment and Natural Resources.

SHB 2436 by Committee on Housing (originally sponsored by Representatives Nutley, Winsley, Leonard, Wood and May)

Altering priorities and criteria for evaluation regarding Washington housing trust fund applicants.

Referred to Committee on Economic Development and Labor.

2SHB 2443 by Committee on Appropriations (originally sponsored by Representatives O'Brien, Jacobsen, Prince, Anderson, Heavey, Crane, Valle, Winsley, Moyer, P. King, Todd, Day, Rector, Wood, Wineberry and R. King)

Establishing the Warren G. Magnuson institute for biomedical research and health professions training.

Referred to Committee on Higher Education.

SHB 2463 by Committee on State Government (originally sponsored by Representatives Van Luven, Morris, Silver, Anderson, Hankins, Winsley, Bowman, Beck, Jones, May, Wolfe and Miller)

Restricting release of vehicle registration records.

Referred to Committee on Transportation.

EHB 2470 by Representatives Cole, Leonard, Jones, R. King, O'Brien, Basich, Valle, Nelson, Hargrove, Prentice and Wang

Regulating pain management programs in industrial insurance.

Referred to Committee on Economic Development and Labor.

HB 2475 by Representatives Ferguson, Haugen, Horn and Nutley

Limiting license fees and taxes that impact certain convention and trade facilities.

Referred to Committee on Governmental Operations.

ESHB 2513 by Committee on Environmental Affairs (originally sponsored by Representatives Walker, Rust, D. Sommers, Fraser, G. Fisher, Pruitt, Phillips, Brekke, Betzoff, Winsley, May, Ferguson and Wolfe)

Providing revenue generating authority to counties to fund roadside litter and illegal dumping.

Referred to Committee on Environment and Natural Resources.

SHB 2515 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives P. King, Winsley, Baugher, Chandler, Zellinsky, Beck, Crane and Inslee)

Permitting reciprocal insurance exchanges to engage in real estate transactions.

Referred to Committee on Financial Institutions and Insurance.

SHB 2516 by Committee on Housing (originally sponsored by Representatives Todd, Winsley, Nutley, Leonard and Jacobsen)

Authorizing building code education and training programs.

Referred to Committee on Energy and Utilities.

ESHB 2517 by Committee on Appropriations (originally sponsored by Representatives Phillips, Betzoff, Cole, Holland, Locke, Wang, O'Brien, Peery, Wineberry, Prentice, Walker, Brekke, Miller, Leonard, Rayburn, Valle, Jacobsen, Appelwick, Pruitt, H. Sommers, Rust, Nelson, Anderson, Brough, Horn, P. King, May, Winsley and McLean)

Establishing the magnet school program.

Referred to Committee on Education.

SHB 2524 by Committee on Health Care (originally sponsored by Representatives Leonard, Day, Braddock, Crane and Dellwo) (by request of Department of Health)

Continuing the board of pharmacy and modifying licensures.

Referred to Committee on Health and Long-Term Care.

ESHB 2533 by Committee on Education (originally sponsored by Representatives Jacobsen, Van Luven, Heavey, Ballard, Hine, Miller, Peery, Cooper, Betzoff, G. Fisher, Walker, Rector, Dellwo, Scott, Fuhrman, May, Wood, Tate, Brumsickle, Ferguson and Sprengle)

Establishing the local master's degree teacher training program.

Referred to Committee on Higher Education.

SHB 2536 by Committee on Housing (originally sponsored by Representatives Phillips, Winsley, Todd, Rector, Nutley, Brekke, Anderson, Leonard, Jacobsen, Basich, Locke, Sprenkle and Prentice)

Giving local governments the right of first refusal in the purchase of federally assisted housing.

Referred to Committee on Economic Development and Labor.

SHB 2539 by Committee on Local Government (originally sponsored by Representatives Wood, Jacobsen, Ferguson, Nealey and Haugen)

Amending water and sewer district provisions.

Referred to Committee on Governmental Operations.

2SHB 2543 by Committee on Appropriations (originally sponsored by Representatives Morris, Moyer, Braddock, Holland, Jones, Brooks, H. Myers, Winsley, Nelson, Wineberry, Brekke, Bowman, Sprenkle, Raiter, Leonard, Spanel, Vekich, Brough, Appelwick, Cole, Belcher, Baugher, Peery, Wang, Haugen, Inslee, Hine, R. Fisher, Prentice, Pruitt, R. King, Walker, Rector, Crane, Dellwo, Smith, Horn, Scott, Rayburn, P. King, Valle, Miller, Jacobsen, G. Fisher, Basich, Kremen, May, Schoon, Forner, Locke, Wood, Brumsickle, Youngsman, Todd, Rasmussen, Cooper and Day)

Regarding community violence prevention and public security programs.

Referred to Committee on Law and Justice.

EHB 2560 by Representatives Peery and Sprenkle

Permitting educational staff to attend certain out-of-state courses to fulfill continuing education requirements.

Referred to Committee on Education.

EHB 2567 by Representatives Todd, McLean, R. Fisher and Sprenkle (by request of Governor Gardner)

Changing provisions relating to state employment.

Referred to Committee on Governmental Operations.

SHB 2584 by Committee on Local Government (originally sponsored by Representatives Haugen, Nealey, Nutley, Ferguson, Nelson, Zellinsky, Wood, Phillips and Raiter)

Raising public utility district internal job value limits and creating a small works roster.

Referred to Committee on Governmental Operations.

SHB 2587 by Committee on Local Government (originally sponsored by Representatives Prince, Nealey and P. King)

Authorizing port districts to spend money on road improvements.

Referred to Committee on Governmental Operations.

ESHB 2593 by Committee on Environmental Affairs (originally sponsored by Representatives Belcher, Rust, Dellwo, Jacobsen, Pruitt, Prentice, Fraser, Leonard, Nutley, Locke, R. Fisher, Cole, Vekich, Phillips and Brekke)

Modifying requirements for registration of pesticides.

Referred to Committee on Agriculture.

EHB 2602 by Representatives Hine, Moyer, Rayburn, Belcher, Scott, Brooks, Heavey, Nutley, Sayan, Fraser, Miller, Dorn, Rasmussen, Hargrove, G. Fisher, R. Fisher, Rector, Leonard, Wineberry, Brough, Sprenkle, Cole, Jones, Dellwo, Haugen, Day, Ebersole, Anderson, Peery, P. King, Basich, Valle, Wang, Phillips, Winsley,

Kremen, Padden, Smith, Forner, Tate, Vekich, Wood, Wolfe, D. Sommers, R. King, Van Luven, Brekke, Bowman, Morris, Cooper, H. Myers, Walker, Todd and Spanel

Changing provisions relating to support services for adoptions.

Referred to Committee on Children and Family Services.

EHB 2618 by Representatives G. Fisher, Walker, Peery, Betzoff, Kremen, Cole, Belcher, Phillips, Brumsickle, Hine, H. Myers, Leonard, Nelson, Jones, Anderson, Jacobsen, Wineberry, Winsley, May, Ferguson, Moyer, Todd and Spanel

Creating the parent-teacher partnership task force.

Referred to Committee on Education.

EHB 2636 by Representatives Zellinsky, D. Sommers, Day, Baugher, Van Luven, Kremen, Beck, R. Meyers, Betzoff, R. Fisher, Prince, Jacobsen, Nealey and Cooper

Exempting emergency service tow trucks from weight and load restrictions.

Referred to Committee on Transportation.

EHB 2641 by Representatives S. Wilson, Haugen, Schmidt, Zellinsky, R. Fisher and Vekich

Declaring a moratorium on further private ferries.

Referred to Committee on Transportation.

ESHB 2653 by Committee on Appropriations (originally sponsored by Representatives G. Fisher, Jacobsen, Peery, Betzoff, Fraser, Belcher, Rector, Spanel, Walker, H. Myers, Valle, Hine, R. Meyers, Anderson, Wineberry, Phillips, Winsley, Wood, Appelwick, Nelson and Schoon)

Requiring the superintendent of public instruction and the Henry M. Jackson school of International studies to provide services to develop international education.

Referred to Committee on Higher Education.

HB 2654 by Representatives Cole, Valle, R. King, Anderson, Scott, Pruitt, Wood, Rust, Basich, Nelson, Belcher, R. Fisher, Dellwo, G. Fisher, Jacobsen, Spanel, Nutley, Wineberry, Fraser, Prentice, Leonard, Wang, Phillips, Holland, Horn, Van Luven, Jones and Brekke

Adopting a policy prohibiting corporal punishment.

Referred to Committee on Education.

HB 2661 by Representatives Wineberry and Silver (by request of Department of Community Development)

Revising provisions for private activity bond allocation ceilings.

Referred to Committee on Economic Development and Labor.

HB 2687 by Representatives Rayburn, Ferguson and Haugen

Authorizing municipal utilities to reimburse the city or town for management services.

Referred to Committee on Governmental Operations.

HB 2705 by Representatives Ballard, Dellwo, Beck, Silver and McLean (by request of Parks and Recreation Commission)

Changing provisions relating to winter recreation functions of the state parks and recreation commission.

Referred to Committee on Environment and Natural Resources.

ESHB 2706 by Committee on Trade and Economic Development (originally sponsored by Representatives Locke, Cantwell, Prince, Spanel, Wineberry, Berozoff, Cooper, Basich, Raiter, Miller, Rector, Rasmussen, Moyer, Youngsman, G. Fisher, Prentice, Kremen, Nelson, Anderson, Valle, P. King, R. King, Ferguson, O'Brien, Jacobsen, Phillips, Pruitt, Wang, Silver, Brekke, Belcher and Sprenkle)

Promoting economic diversification for defense-dependent industries and communities.

Referred to Committee on Economic Development and Labor.

HB 2707 by Representatives H. Sommers and Schoon

Changing provisions relating to school district indebtedness.

Referred to Committee on Education.

HB 2719 by Representatives Beck, Belcher and Silver (by request of Parks and Recreation Commission)

Requiring reimbursement for state parks and recreation commission costs of plan review and construction approval for winter recreational facilities.

Referred to Committee on Environment and Natural Resources.

EHB 2722 by Representatives Zellinsky, Vekich, Sayan, Schmidt, Haugen, P. King and Cooper

Modifying "rules of the road" as they relate to solid waste collection vehicles.

Referred to Committee on Transportation.

SHB 2728 by Committee on Local Government (originally sponsored by Representatives Brough, Haugen, Ferguson, Hine and G. Fisher)

Providing for changing the name of a city or town.

Referred to Committee on Governmental Operations.

HB 2739 by Representatives Dellwo, Moyer, Rector, Silver, Day, D. Sommers, Jesernig, Wolfe and Padden

Establishing a license to sell liquor in motels.

Referred to Committee on Governmental Operations.

HB 2746 by Representatives McLean, Belcher, Brumsickle, Ballard, Appelwick, Silver, Hankins, Miller, Bowman and Todd

Creating a crime of enticement.

Referred to Committee on Law and Justice.

SHB 2752 by Committee on Judiciary (originally sponsored by Representatives Moyer, Jones, Padden, Wolfe, Hargrove, Wineberry, Rector, D. Sommers, Crane, Dellwo, Schmidt, Brumsickle, Winsley, Bowman, Kremen, Heavey, Tate, May, Brough, Kirby, Wood, Schoon, Todd and Day)

Pertaining to depictions of minors engaged in sexually explicit conduct.

Referred to Committee on Law and Justice.

HB 2753 by Representatives Prince, Nealey, Dellwo and Hankins

Rerouting state route number 128 through Red Wolf Crossing.

Referred to Committee on Transportation.

HB 2761 by Representatives Peery and Pruitt

Changing provisions relating to the Washington state school directors' association.

Referred to Committee on Education.

ESHB 2801 by Committee on Commerce and Labor (originally sponsored by Representatives Forner, Vekich, Smith, Cole, Walker, Bowman, Leonard, Prentice, Fuhrman, May, Brough, Ferguson, Betrozoff, Winsley, Chandler, Wolfe, Horn, Moyer, Brumsickle, Silver, Nealey, Youngsman, Miller and Wood)

Clarifying the definition of collection agencies.

Referred to Committee on Economic Development and Labor.

HB 2802 by Representatives Todd, Fraser, McLean, Belcher, Locke, Brumsickle and Silver (by request of Department of General Administration)

Enlarging the department of general administration transportation management authority.

Referred to Committee on Governmental Operations.

HB 2803 by Representatives G. Fisher, McLean, R. Fisher and Rector (by request of Department of General Administration)

Changing provisions relating to state employees operating state-owned vehicles.

Referred to Committee on Governmental Operations.

HB 2810 by Representatives Inslee, Betrozoff, Dorn, Hankins, Jesernig, Walker, Fraser, Grant, Ballard, S. Wilson, Rayburn, Day, Padden, Crane, Winsley, Smith, Wolfe, R. Meyers, Miller, Rector, Dellwo and Cooper

Modifying exemptions and penalties for tinting or coloring of motor vehicle windows.

Referred to Committee on Transportation.

EBB 2842 by Representatives Hine, G. Fisher, Brooks, Sprengle, Zellinsky, Prentice, R. Fisher, Sayan, Ballard, Moyer, Todd, Anderson, Winsley, Heavey, Ferguson, Rasmussen and Wineberry

Permitting more discretion in granting disabled parking permits.

Referred to Committee on Transportation.

SHB 2858 by Committee on Commerce and Labor (originally sponsored by Representatives Cole, Smith, R. King, Wolfe, Leonard, Jones, Vekich, Prentice, Walker and Van Luven)

Authorizing business entertainment practices for liquor importers, wholesalers, or manufacturers.

Referred to Committee on Economic Development and Labor.

SHB 2861 by Committee on Housing (originally sponsored by Representatives Leonard, Winsley, Ferguson, Padden, Nutley, Cooper, Rector, Horn, Anderson, R. Meyers, Inslee, Ballard and Todd)

Transferring the responsibilities for the regulation of manufactured housing.

Referred to Committee on Economic Development and Labor.

ESHB 2879 by Committee on Higher Education (originally sponsored by Representatives Jesernig, Jacobsen, Hankins, Rector, Wood, R. Meyers, Basich, Grant, Prince, Brooks, Dorn, Nelson, Rust, Hargrove, Heavey, Fraser, Bennett, Nealey, Rayburn, Gallagher, H. Myers, Baugher, Miller, Todd, Belcher, G. Fisher, Day, Cooper, Van Luven, Ebersole, Raiter, Wang, Ferguson, D. Sommers, P. King, Dellwo, Wolfe and Wineberry)

Establishing the Washington state center for environmental and molecular sciences at Washington State University/Tri-Cities.

Referred to Committee on Higher Education.

- HB 2901 by Representatives Dellwo, Chandler, P. King, Baugher, Nutley and Winsley (by request of Insurance Commissioner)
Modifying the statutes pertaining to the Washington life and disability insurance guaranty association.
Referred to Committee on Financial Institutions and Insurance.
- ESHB 2906 by Committee on Housing (originally sponsored by Representatives Leonard, Winsley, Nutley, Phillips, Prentice, Cole, Locke, Wineberry, Anderson, Todd, Vekich and Rector)
Providing for the clean-up or elimination of contaminated properties.
Referred to Committee on Environment and Natural Resources.
- ESHB 2907 by Committee on Housing (originally sponsored by Representatives Nutley, Winsley and Leonard)
Concerning mobile home relocation.
Referred to Committee on Economic Development and Labor.
- ESHB 2916 by Committee on Commerce and Labor (originally sponsored by Representatives Prentice, Vekich, R. King, Leonard, Cole, Basich, K. Wilson and Wineberry)
Revising provisions on conditions of employment.
Referred to Committee on Economic Development and Labor.
- EHB 2924 by Representatives Sayan, Belcher, Ferguson, Anderson, Jacobsen, Phillips, Winsley and Nelson
Regulating wild mushroom sales.
Referred to Committee on Environment and Natural Resources.
- SHB 2935 by Committee on Local Government (originally sponsored by Representatives Horn, Haugen, Kirby, Ferguson, D. Sommers, Wood, Rayburn, Morris, Moyer, Wolfe, Brumsickle, Bowman, Walker, Nealey and Raiter)
Modifying the provisions for local government elections.
Referred to Committee on Governmental Operations.
- HB 2959 by Representatives Bennett, Dorn, Pruitt, Brumsickle and G. Fisher
Authorizing school districts to require health insurance for students participating in extracurricular activities.
Referred to Committee on Education.
- SHB 2992 by Committee on Local Government (originally sponsored by Representatives Cooper, Ferguson, Haugen, Nealey, Phillips and Raiter)
Changing local government bidding practices.
Referred to Committee on Governmental Operations.
- SHB 2996 by Committee on Revenue (originally sponsored by Representatives Leonard, Winsley, Anderson, Nutley, Holland, Wineberry and Nelson)
Modifying property tax exemptions for leased homeless shelters.
Referred to Committee on Ways and Means.
- HB 2997 by Representatives Nutley and Winsley
Changing the requirements of notice in certain unlawful detainer actions.
Referred to Committee on Law and Justice.

HB 2998 by Representative Belcher

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

Referred to Committee on Environment and Natural Resources.

SHB 3001 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, R. Meyers, Dellwo and Crane) (by request of Insurance Commissioner)

Concerning solvency protection for health maintenance organizations.

Referred to Committee on Financial Institutions and Insurance.

SHB 3002 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, R. Meyers, Dellwo and Crane) (by request of Insurance Commissioner)

Concerning solvency protection for health care service contractors.

Referred to Committee on Financial Institutions and Insurance.

SHB 3007 by Committee on Local Government (originally sponsored by Representative Nealey)

Relating to notice of employee pension plans provided by third class cities and fourth class municipalities.

Referred to Committee on Governmental Operations.

HJR 4228 by Representatives Peery, Betzoff and Pruitt

Changing voting validation requirements for general obligation bonds for capital purposes.

Referred to Committee on Ways and Means.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9019, Nancyhelen Fischer, as a member of the Commission on Judicial Conduct, was confirmed.

APPOINTMENT OF NANCYHELEN FISCHER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 33; nays, 1; excused, 15.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Benitz, Cantu, Conner, Craswell, Hayner, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Saling, Sellar, Smith, Smitherman, Stratton, Thorsness, Vognlid, Warnke, West, Williams - 33.

Voting nay: Senator Moore - 1.

Excused: Senators Bailey, Bender, Bluechel, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Madsen, Rasmussen, Rinehart, Sutherland, Talmadge, von Reichbauer, Wojahn - 15.

MOTION

On motion of Senator Anderson, Senator McCaslin was excused.

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9127, Douglas L. True, as a member of the Public Disclosure Commission, was confirmed.

APPOINTMENT OF DOUGLAS L. TRUE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; excused, 13.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Benitz, Cantu, Conner, Craswell, Hayner, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams - 36.

Excused: Senators Bailey, Bender, Bluechel, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, McCaslin, Rasmussen, Sutherland, Talmadge, Wojahn - 13.

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9156, Arthur D. Curtis, as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF ARTHUR D. CURTIS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; nays, 1; absent, 1; excused, 11.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Cantu, Conner, Craswell, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 36.

Voting nay: Senator Metcalf - 1.

Absent: Senator Hayner - 1.

Excused: Senators Bender, Bluechel, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Rasmussen, Sutherland, Talmadge, Wojahn - 11.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5307, by Committee on Economic Development and Labor (originally sponsored by Senators Anderson, McMullen and Moore)

Creating additional requirements for contractor advertising.

MOTIONS

On motion of Senator Lee, Second Substitute Senate Bill No. 5307 was substituted for Substitute Senate Bill No. 5307 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, Second Substitute Senate Bill No. 5307 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5307.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5307 and the bill passed the Senate by the following vote: Yeas, 36; absent, 2; excused, 11.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Cantu, Conner, Craswell, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 36.

Absent: Senators Hayner, Matson - 2.

Excused: Senators Bender, Bluechel, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Rasmussen, Sutherland, Talmadge, Wojahn - 11.

SECOND SUBSTITUTE SENATE BILL NO. 5307, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5705, by Senators Benitz, Bluechel and Nelson

Requiring the energy facility site evaluation council to consider the extent of carbon dioxide emissions by thermal plant facilities seeking certification.

The bill was read the second time.

MOTION

On motion of Senator Benitz, Senate Bill No. 5705 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5705.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5705 and the bill passed the Senate by the following vote: Yeas, 39; excused, 10.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 39.

Excused: Senators Bluechel, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Rasmussen, Sutherland, Talmadge, Wojahn - 10.

SENATE BILL NO. 5705, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6573, by Senators Benitz, Williams, Patrick and Stratton

Revising the administration of the energy facility site evaluation council.

MOTIONS

On motion of Senator Benitz, Substitute Senate Bill No. 6573 was substituted for Senate Bill No. 6573 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benitz, Substitute Senate Bill No. 6573 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6573.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6573 and the bill passed the Senate by the following vote: Yeas, 39; excused, 10.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 39.

Excused: Senators Bluechel, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Patterson, Sutherland, Talmadge, Wojahn - 10.

SUBSTITUTE SENATE BILL NO. 6573, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6575, by Senators Benitz and Williams (by request of Department of Ecology)

Revising liability requirements for nuclear operations.

MOTIONS

On motion of Senator Benitz, Substitute Senate Bill No. 6575 was substituted for Senate Bill No. 6575 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benitz, Substitute Senate Bill No. 6575 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6575.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6575 and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Gaspard, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson,

Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 40.

Excused: Senators Bluechel, DeJarnatt, Fleming, Hansen, Johnson, Rasmussen, Sutherland, Talmadge, Wojahn - 9.

SUBSTITUTE SENATE BILL NO. 6575, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6786, by Senator Patrick

Authorizing city and town councilmembers to serve as reserve police officers.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, Senate Bill No. 6786 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6786.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6786 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 43.

Excused: Senators Bluechel, DeJarnatt, Fleming, Sutherland, Talmadge, Wojahn - 6.

SENATE BILL NO. 6786, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6713, by Senators Smith, Sutherland, Owen, Amondson and Bauer

Prohibiting the use of styrofoam containers for fishing bait.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 6713 was substituted for Senate Bill No. 6713 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, Substitute Senate Bill No. 6713 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6713.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6713 and the bill passed the Senate by the following vote: Yeas, 29; nays, 14; excused, 6.

Voting yea: Senators Amondson, Bailey, Bauer, Bender, Conner, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Owen, Patrick, Rinehart, Smith, Smitherman, Stratton, Vognild, Warnke, West, Williams - 29.

Voting nay: Senators Anderson, Barr, Benitz, Cantu, Craswell, Hayner, McCaslin, Newhouse, Patterson, Rasmussen, Saling, Sellar, Thorsness, von Reichbauer - 14.

Excused: Senators Bluechel, DeJarnatt, Fleming, Sutherland, Talmadge, Wojahn - 6.

SUBSTITUTE SENATE BILL NO. 6713, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

February 12, 1990

Due to inclement weather, I missed the votes on Gubernatorial Appointment No. 9019, Gubernatorial Appointment No. 9127, Gubernatorial Appointment No. 9156, Second Substitute Senate Bill No. 5307, Senate Bill No. 5705, Substitute Senate Bill No. 6573, Substitute Senate Bill No. 6575, Senate Bill No. 6786 and Substitute Senate Bill No. 6713. I would have voted 'aye' on each.

SENATOR PHIL TALMADGE, 34th District

STATEMENT FOR THE JOURNAL

February 15, 1990

Gordon Golob, Secretary of the Senate
Legislative Building
Olympia, Washington 98504

Dear Gordon:

On Monday, February 12, 1990, I missed the following Senate floor votes on the following bills: Gubernatorial Appointment No. 9019, Gubernatorial Appointment No. 9127, Gubernatorial Appointment No. 9156, Second Substitute Senate Bill No. 5307, Senate Bill No. 5705, Substitute Senate Bill No. 6573, Substitute Senate Bill No. 6575, Senate Bill No. 6786 and Substitute Senate Bill No. 6713.

February 12 was a Monday morning and I was traveling to Olympia from Vancouver, Washington. I was delayed getting to Olympia due to hazardous traveling because of numerous accidents on I-5.

This memo serves to let you know, for the record, the circumstances which surrounded my late arrival that morning.

Thank you.

Sincerely,

DEAN SUTHERLAND, 17th District

SECOND READING

SENATE BILL NO. 6314, by Senators Metcalf, Owen and Rasmussen (by request of Department of Ecology)

Regulating transporting waste material.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 6314 was substituted for Senate Bill No. 6314 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, Substitute Senate Bill No. 6314 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Madsen: "Senator Metcalf, I guess I need clarification. I have not read the bill, but in this abstract, it says that anybody carrying sand or gravel does not need to cover the load."

Senator Metcalf: "The spillage of waste materials from mining, logging, saw-milling, farming and manufacturing activities remain exempt under this bill. That is not my first choice, but there are some really good reasons in some of the areas and this was the agreement that was arrived at. Frankly, this is the best I think we can do at this time, Senator Madsen."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6314.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6314 and the bill failed to pass the Senate by the following vote: Yeas, 21; nays, 25; excused, 3.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Hayner, Johnson, Kreidler, McDonald, Metcalf, Moore, Owen, Rinehart, Saling, Sellar, Smith, Sutherland, von Reichbauer, Williams - 21.

Voting nay: Senators Amondson, Barr, Conner, Craswell, Gaspard, Hansen, Lee, Madsen, Matson, McCaslin, McMullen, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Smitherman, Stratton, Talmadge, Thorsness, Vognild, Warnke, West - 25.

Excused: Senators DeJarnatt, Fleming, Wojahn - 3.

SUBSTITUTE SENATE BILL NO. 6314, having failed to receive the constitutional majority, was declared lost.

PARLIAMENTARY INQUIRY

Senator Vognild: "Thank you, Mr. President, I have a point of parliamentary inquiry. Was that bill on the consent calendar?"

REPLY BY THE PRESIDENT

President Pritchard: "It was, Senator Vognild."

SECOND READING

SENATE BILL NO. 6640, by Senator McMullen

Expanding the use of hotel-motel tax revenues to develop tourism strategies.

The bill was read the second time.

MOTION

On motion of Senator Lee, Senate Bill No. 6640 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6640.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6640 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, Warnke, West, Williams - 44.

Voting nay: Senators Hansen, von Reichbauer - 2.

Excused: Senators DeJarnatt, Fleming, Wojahn - 3.

SENATE BILL NO. 6640, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6332, by Senators Craswell, Owen, Thorsness, Metcalf, Smitherman, Barr, McCaslin, Newhouse, Benitz, Johnson, Anderson, Saling and Hayner

Permitting voluntary castration of sex offenders.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6332 was substituted for Senate Bill No. 6332 and the substitute bill was placed on second reading and read the second time.

Senator Smitherman moved that the following amendment by Senator Gaspard be adopted:

On page 1, line 14, after "than" strike "twenty-five" and insert "ninety"

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Gaspard on page 1, line 14, to Substitute Senate Bill No. 6332.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; nays, 26; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Conner, Gaspard, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Patrick, Rasmussen, Rinehart, Smitherman, Sutherland, Talmadge, Vognild, Warnke, Williams - 20.

Voting nay: Senators Amondson, Anderson, Barr, Benitz, Bluechel, Cantu, Craswell, Hansen, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Saling, Sellar, Smith, Stratton, Thorsness, von Reichbauer, West - 26.

Excused: Senators DeJarnatt, Fleming, Wojahn - 3.

MOTION

Senator Craswell moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that sex offenders have a high probability of reoffending. Studies have shown that offenders who are castrated are less likely to reoffend. The legislature also finds that voluntary surgical castration is not cruel and unusual punishment.

NEW SECTION. Sec. 2. (1) At any time between the conviction of a sex offense and the time of sentencing, the offender may file a motion with the court requesting a hearing on the voluntary surgical castration sentencing option provided in this section.

(2) No castration shall be performed on any person, pursuant to this section, unless the person knowingly and voluntarily requests, in writing, that the surgery be performed.

(3) Subsequent to receiving the motion and written request of the person convicted of a sex offense the court shall hold a hearing to ensure that the offender has requested the surgery knowingly and voluntarily. The court shall ensure that the offender fully understands and comprehends the legal, medical, emotional and psychological consequences of castration.

(4) If surgical castration is performed pursuant to this section, the court shall not impose a sentence greater than twenty-five percent of the presumptive sentence; provided that an offender who is surgically castrated must serve no less than one year in confinement."

PARLIAMENTARY INQUIRY

Senator Vognild: "Thank you, Mr. President. I rise to a point of parliamentary inquiry. The striking amendment by Senator Craswell was placed before the body prior to the striking amendment by Senator Gaspard. I believe that Senator Gaspard's striking amendment should be properly before the body at this time."

REPLY BY THE PRESIDENT

President Pritchard: "Well, we thought one was a perfecting amendment and so we made the decision on that basis, Senator."

Senator Vognild: "Mr. President, I would question and ask you to reconsider your decision. Basically, from the standpoint they are both striking amendments and, therefore, one is not a perfecting amendment. It is, in fact, a striking amendment and I believe the procedure before the body has been to give precedence to the amendment which was submitted first."

President Pritchard: "Well, I made the decision, Senator, that one is a striking amendment--strikes the whole bill--and the other is a perfecting amendment. Even though it's striking, it perfects the measure."

Senator Vognild: "Well, Mr. President, I guess I have to state that both amendments start out with the words, 'strike everything after the enacting clause.' Mr. President, this will become a very important matter a little later on and that's why I raised the point at this time. I would request of the President that the striking amendment by Senator Gaspard be considered at this point in time as the proper amendment before the body."

President Pritchard: "If you want to speak to it, we will set it aside."

MOTION

At 10:16 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 10:26 a.m. by President Pritchard.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6332 and the pending striking amendment by Senator Craswell, which was being debated before the Senate went at ease.

MOTION

Senator Gaspard moved that the following amendment by Senators Gaspard, Patrick, Wojahn and Vognild to the striking amendment by Senator Craswell be adopted:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. A new section is added to chapter 9.94A RCW to read as follows:

The sentencing guidelines commission shall study whether voluntary castration and/or the use of Depo-Provera are appropriate sentencing options for felony sex offenders. The commission shall consult with the University of Washington school of medicine and department of community psychiatry in reviewing the research literature and experiments on this subject from the United States, Canada, and Europe. The commission shall review the experiences of other states and legal rulings on the constitutionality of these methods as a sentencing option. The commission's report on this study shall be presented to the senate law and justice committee and the house of representatives judiciary committee before January 1, 1991."

Debate ensued.

Senator Craswell demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senators Gaspard, Patrick, Wojahn and Vognild to the striking amendment by Senator Craswell to Substitute Senate Bill No. 6332.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 22; nays, 26; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Conner, Fleming, Gaspard, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Patrick, Rasmussen, Rinehart, Smitherman, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 22.

Voting nay: Senators Amondson, Anderson, Barr, Benitz, Bluechel, Cantu, Craswell, Hansen, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Saling, Sellar, Smith, Stratton, Thorsness, von Reichbauer, West - 26.

Excused: Senator DeJarnatt - 1.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Craswell to Substitute Senate Bill No. 6332.

Debate ensued.

Senator Craswell demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senator Craswell to Substitute Senate Bill No. 6332.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 26; nays, 22; excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Benitz, Bluechel, Cantu, Craswell, Hansen, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Saling, Sellar, Smith, Stratton, Thorsness, von Reichbauer, West - 26.

Voting nay: Senators Bailey, Bauer, Bender, Conner, Fleming, Gaspard, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Patrick, Rasmussen, Rinehart, Smitherman, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 22.

Excused: Senator DeJarnatt - 1.

MOTION

On motion of Senator Nelson, Engrossed Substitute Senate Bill No. 6332 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6332.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6332 and the bill passed the Senate by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Benitz, Bluechel, Cantu, Craswell, Hansen, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Saling, Sellar, Smith, Stratton, Thorsness, von Reichbauer, West - 25.

Voting nay: Senators Bailey, Bauer, Bender, Conner, Fleming, Gaspard, Kreidler, Madsen, Matson, McMullen, Moore, Murray, Niemi, Patrick, Rasmussen, Rinehart, Smitherman, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Excused: Senator DeJarnatt - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6332, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6681, by Senator Lee

Changing provisions relating to the lease or rental of surplus real property owned by a school district.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 6681 was substituted for Senate Bill No. 6681 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, Substitute Senate Bill No. 6681 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6681.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6681 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 6681, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:39 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:51 a.m.

MOTION

At 11:51 a.m., on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:02 p.m. by President Pritchard.

MOTION

On motion of Senator Smith, Senator Anderson was excused.

SECOND READING

SENATE BILL NO. 6325, by Senators Lee, Williams and Smitherman

Creating the industrial competitiveness program.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 6325 was substituted for Senate Bill No. 6325 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, Substitute Senate Bill No. 6325 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Amondson: "Senator Lee, do you expect that this will ever require funding in the future or do you see it all being private sector funding from here on out?"

Senator Lee: "These programs, as we saw them in Europe, took only initial governmental funding and then became complete self-supporting in a very short period of time and the bill itself does say that this is the intent."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6325.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6325 and the bill passed the Senate by the following vote: Yeas, 41; absent, 7; excused, 1.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 41.

Absent: Senators Benitz, Conner, Fleming, McDonald, McMullen, Moore, West - 7.

Excused: Senator Anderson - 1.

SUBSTITUTE SENATE BILL NO. 6325, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6629, by Senator Lee

Exempting the developmentally disabled from prevailing wage provisions.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 6629 was substituted for Senate Bill No. 6629 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, Substitute Senate Bill No. 6629 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6629.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6629 and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; absent, 2; excused, 1.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Voting nay: Senators Madsen, Moore, Murray, Talmadge - 4.

Absent: Senators Benitz, McDonald - 2.

Excused: Senator Anderson - 1.

SUBSTITUTE SENATE BILL NO. 6629, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Benitz was excused.

SECOND READING

SENATE BILL NO. 6438, by Senators Lee, Bailey and Conner

Facilitating eleventh and twelfth grade students' enrollment in public community colleges.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 6438 was substituted for Senate Bill No. 6438 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, Substitute Senate Bill No. 6438 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Wojahn: "Senator Lee, in doing this on those pilot programs that you're stating, are you going to split the tuition or the fee for the students, so that the K-12 would get a portion and the colleges would get a portion--or how would that work?"

Senator Lee: "Senator Wojahn, the portion of the enrollment in the community college that is to be attributed to the high school diploma, that is to come from the regular K-12 money that the high school gets anyway. Now, if that student is also enrolled in some other courses at the community college in addition to those for their high school diploma, they would have to pay the regular tuition just like anyone else and that would come under the regular fee, so you could very well have students taking most of their high school completion at the community college.

"In fact, Walla Walla Community College does this with the Walla Walla School District. In that particular case, half a day is spent at the community college, so they get half of the K-12 money."

Senator Wojahn: "Then, that would diminish the amount that the K-12 would get. Is that correct?"

Senator Lee: "That's correct and they feel that's an equitable arrangement."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6438.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6438 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Voting nay: Senator Niemi - 1.

Excused: Senator Benitz - 1.

SUBSTITUTE SENATE BILL NO. 6438, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6306, by Senators Saling, McDonald, Stratton, Bailey, McCaslin, Benitz, Thorsness, Barr and Amondson

Revising provisions for tenure at community colleges.

MOTIONS

On motion of Senator Saling, Substitute Senate Bill No. 6306 was substituted for Senate Bill No. 6306 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Saling, Substitute Senate Bill No. 6306 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6306.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6306 and the bill passed the Senate by the following vote: Yeas, 26; nays, 22; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patrick, Patterson, Saling, Sellar, Smith, Stratton, Thorsness, von Reichbauer, West - 26.

Voting nay: Senators Bauer, Bender, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Sutherland, Talmadge, Vogt, Warnke, Williams, Wojahn - 22.

Excused: Senator Benitz - 1.

SUBSTITUTE SENATE BILL NO. 6306, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the Chair.

SECOND READING

SENATE BILL NO. 6700, by Senators Patterson, Metcalf, DeJarnatt, Amondson, Benitz, Newhouse, Sellar, Hansen, Conner and Madsen

Exempting recyclable materials from trucking regulation.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 6700 was substituted for Senate Bill No. 6700 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Murray, the following amendment by Senators Murray and McMullen was adopted:

On page 1, following line 24, insert the following:

"The commission, the department of ecology, and the recycling markets committee created pursuant to RCW 43.31.552 shall jointly conduct a study of the effectiveness of this section. The agencies shall periodically report to the legislature on their recommendations no later than January 1, 1993. This study shall determine (1) the impact that transportation costs have on the development and expansion of markets for recycling, and (2) whether there is any appreciable increase in the volume of recovered materials collected and delivered as a result of the exemption granted in this section.

This section expires on June 30, 1993."

MOTIONS

On motion of Senator Murray, the following title amendment was adopted:

On page 1, line 2 of the title strike "and" and on line 3 after "RCW" insert "; and providing an expiration date"

On motion of Senator Patterson, Engrossed Substitute Senate Bill No. 6700 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wojahn: "It's the same question as the other day, Senator Patterson. By deregulating, are we going to allow triple trailers or triple trailer rigs in this state?"

Senator Patterson: "No, Senator. I knew you were going to ask. No, this bill has nothing to do with triples. This bill is strictly the same kind of carriers that we have

in hauling most of the materials that are on the highways today. This has nothing to do with authorizing triple trailers on the highways of the state of Washington."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6700.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6700 and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senators Gaspard, Rinehart, von Reichbauer - 3.

Excused: Senator Benitz - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6700, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6813, by Senators Thorsness, Hansen, Hayner, Stratton and Bailey

Clarifying the method for determining the proportionate share of damages when multiple parties are at fault.

The bill was read the second time.

MOTION

On motion of Senator Nelson, Senate Bill No. 6813 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6813.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6813 and the bill passed the Senate by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, DeJarnatt, Hansen, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patrick, Patterson, Saling, Sellar, Smith, Stratton, Thorsness, West - 27.

Voting nay: Senators Bauer, Bender, Conner, Fleming, Gaspard, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Rasmussen, Rinehart, Smitherman, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 21.

Excused: Senator Benitz - 1.

SENATE BILL NO. 6813, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6710, by Senators West, Kreidler, McDonald, Thorsness, Nelson, Stratton and Saling

Providing for the prevention of alcohol and drug-related illness and injury.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6710 was substituted for Senate Bill No. 6710 and the substitute bill was placed on second reading and read the second time.

Senator West moved that the following amendment by Senators West and Nelson be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The legislature finds that:

(1) Death and injury from alcohol or drug-related traffic accidents are a serious epidemic and one of the most threatening and pressing public health problems in the state, especially for our youth.

(a) Alcohol-related traffic fatalities are the number one cause of death in the sixteen to twenty-four year old age group.

(b) There are more deaths from drunk driving than the combined total of deaths for murder and nonnegligent homicide. In 1986 seven hundred fourteen people died in Washington from motor vehicle accidents, and in 1988 seven hundred eighty-five people died from similar accidents; half of these deaths were alcohol related. By comparison the number of deaths from homicide in 1986 was two hundred twenty.

(c) In 1988 thirteen thousand seven hundred twenty-four people were injured in alcohol-related traffic accidents, of which two thousand six hundred sixty-five were disabling injuries.

(d) Drug-related impairment causes a large number of traffic fatalities and injuries in addition to those documented for alcohol-related accidents.

(e) The social and financial costs from alcohol and drug-related traffic accidents are tremendous.

(2) A major concern of public health is the prevention of death and injury. Public health efforts must be reoriented to focus on the major causes of public death and injury in contemporary society.

(3) The state must take positive steps in the public health tradition to drastically cut back the root causes of the epidemic by a comprehensive public health program of education, prevention, and treatment. Because of the nature of this social epidemic, this public health effort must be conducted in large part by law enforcement agencies in conjunction with public health officials, trained health care providers, and the public.

(4) The legislature declares that the primary goal of this effort is to reduce the number of people killed and injured from drunk driving on our roads each year and remove alcohol-related traffic fatalities as the leading cause of death of our youth. The primary educational goal of this public health effort is to change the prevailing attitude that drinking and driving are socially acceptable, and to protect our youth now and in the future from alcoholic beverage advertising that is targeted at them.

NEW SECTION, Sec. 2. The legislature recognizes the governor's role in the state's response to the current public health crisis from alcohol and substance abuse. This includes the governor's support and assistance in passage of the omnibus drug act of 1989 and the creation of the governor's substance abuse council by executive order in 1989. The legislature intends to affirm the governor's leadership and coordinating function and strengthen current structures in state government as they relate to these efforts.

NEW SECTION, Sec. 3. A new section is added to Title 43 RCW to read as follows:

(1) The governor shall establish and update at least annually a comprehensive state strategy to reduce substance abuse through prevention, treatment, and enforcement efforts.

(2) The governor shall appoint an interdepartmental coordinating committee on substance abuse which shall be composed of the director of the department of community development, the secretary of corrections, the commissioner of the employment security department, the secretary of health, the director of the department of labor and industries, the secretary of social and health services, the superintendent of public instruction, the chief of the Washington state patrol, the director of the traffic safety commission, and a member of the board of health, or their designees. Additional members of the committee shall be appointed by the governor and shall represent additional state agencies or commissions as the governor deems appropriate.

The committee shall meet at least four times annually at the call of the governor, or his or her designee, who shall be its chair. The committee shall provide for the coordination of, and exchange of information on, all programs relating to alcoholism and other drug addiction, and shall act as a permanent liaison among the departments engaged in activities affecting alcoholics and other drug addicts, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons. The committee shall report its findings of the current state of the substance abuse problem to the governor and the legislature by September 1, 1990, and biennially thereafter based on current agency data, and advise the governor on developing and updating the comprehensive strategy.

(3) The governor may appoint a council on substance abuse. Members shall represent education, treatment, law enforcement, local government, community groups, students, private industry, labor, and others as deemed appropriate by the governor.

The council's primary responsibilities shall include:

(a) Advise the governor on issues and programs relating to substance abuse including the development and review of the comprehensive strategy;

(b) Advise and assist the governor with implementation strategies to support community efforts to reduce substance abuse; and

(c) Promote public awareness and education regarding substance abuse and actions individuals can use in response to substance abuse.

The primary thrust of the council's local efforts shall be to emphasize Washington communities working in partnership with government, labor, private industry, schools, treatment, and

law enforcement so that each can identify their role and complement the roles of the others in working to minimize the causes and impacts of substance abuse through coordinated and innovative strategies.

(4) The governor may transfer or delegate any of his or her duties under this section to any operating agency deemed appropriate by the governor.

NEW SECTION. Sec. 4. A new section is added to chapter 36.28A RCW to read as follows:

(1) The Washington association of sheriffs and police chiefs shall establish and maintain a central repository for the collection of information on alcohol and drug related crimes and incidents. Upon establishing such a repository, the association shall develop a procedure to monitor, record, and classify information relating to alcohol and drug related crimes and incidents. The procedure may be established within the association's incident-based reporting program where such programs exist within local law enforcement agencies.

(2) The Washington association of sheriffs and police chiefs shall collect information on alcohol and drug related crimes and incidents reported by law enforcement agencies in such form and manner as prescribed by rules adopted by the association. Agency participation in the incident-based reporting program, with regard to the specific data requirements associated with alcohol and drug-related crimes and incidents, shall be deemed to meet agency reporting requirements.

(3) The Washington association of sheriffs and police chiefs shall submit an annual report to the senate law and justice and health and long-term care committees and the house of representatives judiciary and health committees by December 1 of each year beginning in 1990 summarizing the statistical results of the alcohol and drug related crimes and incidents data received.

NEW SECTION. Sec. 5. A new section is added to chapter 46.04 RCW to read as follows:

"Alcohol concentration" means (1) the grams of alcohol per two hundred ten liters of a person's breath, or (2) the percent by weight of alcohol in a person's blood.

Sec. 6. Section 46.04.580, chapter 12, Laws of 1961 and RCW 46.04.580 are each amended to read as follows:

"Suspend," in all its forms, means invalidation for any period less than one calendar year and thereafter until reinstatement. However, under RCW 46.61.515 and section 8 of this act the invalidation may last for more than one calendar year.

Sec. 7. Section 1, chapter 22, Laws of 1987 as amended by section 8, chapter 337, Laws of 1989 and RCW 46.20.308 are each amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcoholic content of his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. However, in those instances where: ~~((a))~~ The person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample; or ~~((b))~~ as a result of a traffic accident) the person is being treated for a medical condition in a hospital, clinic, doctor's office, or other similar facility in which a breath testing instrument is not present, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(4). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that (a) his or her privilege to drive will be revoked or denied if he or she refuses to submit to the test. ~~((and))~~ (b) that his or her privilege to drive will be suspended, revoked, or denied if the test is administered and the test indicates the alcohol concentration of the person's breath or blood is 0.10 or more, and (c) that his or her refusal to take the test may be used in a criminal trial.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) If, after arrest and after the other applicable conditions and requirements of this section have been satisfied, a person submits to a test or tests of his or her blood or breath, or such a test has been administered without that person's express consent as permitted by subsection (3) or (4) of this section, and the test results indicate that the alcohol concentration of the person's breath or blood is 0.10 or more, or the person refuses to submit to a test, the arresting officer or other law enforcement officer at whose direction any test has been given, or the department if the arrest is the result of a blood test, shall:

(a) Serve notice in writing on the person on behalf of the department of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive as required by subsection (7) of this section;

(b) Serve notice in writing on the person on behalf of the department of his or her right to a hearing, specifying the steps he or she must take to obtain a hearing. Within five days after the notice has been given, the person may, in writing, request a formal hearing as provided by subsection (8) of this section. If such request is made by mail it must be postmarked within five days after the notice has been given;

(c) Confiscate the person's Washington state license or permit to drive, if any;

(d) Issue a temporary license to be effective twelve hours after the time of arrest and valid for thirty days from the date of arrest or until the suspension, revocation, or denial of the person's license, permit, or privilege to drive is sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit that it replaces;

(e) Immediately notify the department of licensing of the arrest and transmit to the department of licensing any confiscated license or permit, a copy of any blood test results and a printout of any test from the breath test instrument, and a sworn report that states:

(i) That the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both; and

(ii) That after receipt of the warnings required by subsection (2) of this section the person refused to submit, or submitted to a test or tests, or that a test was administered without the person's express consent as permitted under subsection (3) or (4) of this section; and

(iii) That the results of any test administered indicated that the alcohol concentration of the person's breath or blood was 0.10 or more; and

(iv) Any other information that the director may require by rule or regulation.

(7) The department of licensing, upon the receipt of a sworn report of the law enforcement officer that the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor and that (a) the person had refused to submit to the test or tests upon the request of the law enforcement officer after being informed that refusal would result in the revocation of the person's privilege to drive, or (b) the person submitted to a test or tests, or such a test was administered without that person's express consent as permitted by subsection (3) or (4) of this section, and the results indicated that the alcohol concentration of the person's breath or blood was 0.10 or more, shall suspend, revoke, or deny the person's license or permit to drive or any nonresident operating privilege, such suspension, revocation, or denial to be effective thirty days from the date of arrest or when sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first.

((7) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, the department shall immediately notify the person involved in writing by personal service or by certified mail of its decision and the grounds therefor, and of the person's right to a hearing, specifying the steps he or she must take to obtain a hearing. Within fifteen days after the notice has been given, the person may, in writing, request a formal hearing;))

(8) Upon timely receipt of ((such)) a request for a formal hearing, the department shall afford the person an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means. For the purposes of this section, the scope of ((such)) the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether (a) the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's privilege to drive or, (b) if a test was administered, whether the applicable requirements of this section were satisfied before the administration of the test or tests, whether the person submitted to the test or tests, or whether a test was administered without express consent as permitted under this section, and whether the test or tests indicated that the alcohol concentration of the person's

breath or blood was 0.10 or more. The sworn report submitted by a law enforcement officer shall be prima facie evidence that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor, that the officer complied with the requirements of this section, and that the testing instrument was in proper working condition. ((The department shall order that the revocation either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as provided in this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during pendency of the hearing and appeal:

(9)) (9) Failure of the person to request a hearing within the time limit established by subsection (6) of this section, or failure to attend or participate in such a hearing, constitutes a default and results in the loss of that person's right to a hearing.

(10) If the suspension, revocation, or denial is sustained after such a hearing, the person whose license, privilege, or permit is suspended, revoked, or denied has the right to file a petition in the superior court of the county of arrest to review the final order of suspension, revocation, or denial by the department in the manner provided in RCW 46.20.334. The filing of the appeal does not stay the effective date of the suspension, revocation, or denial. A petition filed under this subsection must include the petitioner's grounds for requesting review. Upon granting petitioner's request for review, the court shall review the department's final order of suspension, revocation, or denial as expeditiously as possible. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant such relief unless the court finds that:

(a) The petitioner is likely to prevail when the court finally disposes of the matter;

(b) Without relief the petitioner will suffer irreparable injury; and

(c) The threat to the safety of persons on the public highways is not sufficiently serious to justify the department's action in the circumstances.

((9)) (11) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, revoked, or denied the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

NEW SECTION. Sec. 8. A new section is added to chapter 46.20 RCW to read as follows:

(1) Pursuant to RCW 46.20.308, the department shall suspend, revoke, or deny the arrested person's license, permit to drive, driving privilege, or any nonresident privilege as follows:

(a) In the case of a person who has refused a test or tests:

(i) Revocation or denial for one year for a first refusal within the five-year period preceding the date of the refusal;

(ii) Revocation or denial for two years for a second or subsequent refusal within the five-year period preceding the date of the refusal.

(b) In the case of an incident where a person has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.10 or more:

(i) Suspension or denial until the person reaches age nineteen or for thirty days, whichever is longer, for a first incident within five years where there has been no previous conviction of RCW 46.61.502 or 46.61.504 within the five-year period preceding the current incident. If the department suspends or revokes a person's license because of a criminal conviction arising from the same incident, the period the license was suspended under this subsection shall be credited against the time period of the license revocation or suspension;

(ii) Revocation or denial for one year for a second incident within five years. A previous conviction under RCW 46.61.502 or 46.61.504, within the five-year period preceding the current incident, that did not result in a suspension or denial under this subsection shall be considered a previous incident for purposes of this subsection;

(iii) Revocation or denial for two years for a third or subsequent incident within five years. Previous convictions under RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, within the five-year period preceding the current incident, that did not result in a suspension, revocation, or denial under this subsection shall be considered previous incidents for purposes of this subsection.

(2) The department shall not grant or reinstate a person's privilege to drive that has been suspended, revoked, or denied under subsection (1) of this section until it has determined the person is eligible for reinstatement under RCW 46.20.031 and is otherwise qualified.

Sec. 9. Section 9, chapter 148, Laws of 1988 and RCW 46.20.311 are each amended to read as follows:

(1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as permitted under RCW 46.20.342 or 46.61.515. Whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291, the suspension shall remain in

effect and the department shall not issue to the person any new, duplicate, or renewal license until the person pays a reinstatement fee of twenty dollars and gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the reinstatement fee shall be ~~((fifty))~~ one hundred dollars.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (a) After the expiration of one year from the date ~~((on which the revoked license was surrendered to and received by the department))~~ the license or privilege to drive was revoked; (b) after the expiration of the applicable revocation period provided by RCW 46.61.515(3) (b) or (c); (c) after the expiration of two years for persons convicted of vehicular homicide; (d) after the expiration of one year in cases of revocation for the first refusal within five years to submit to a chemical test under RCW 46.20.308; (e) after the expiration of two years in cases of revocation for the second refusal within five years to submit to a chemical test under RCW 46.20.308; or (f) after the expiration of the applicable revocation period provided by RCW 46.20.265. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reinstatement fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reinstatement fee shall be ~~((fifty))~~ one hundred dollars. Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways. ~~((A resident without a license or permit whose license or permit was revoked under RCW 46.20.308(6) shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.))~~

(3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020, the suspension shall remain in effect and the department shall not issue to the person any new or renewal license until the person pays a reinstatement fee of twenty dollars. If the suspension is the result of a violation of the laws of another state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a ~~((chemical))~~ test or tests of the driver's breath or blood alcohol content, the reinstatement fee shall be ~~((fifty))~~ one hundred dollars.

Sec. 10. Section 9, chapter 148, Laws of 1988 as amended by section 9 of this act and RCW 46.20.311 are each amended to read as follows:

(1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as permitted under RCW 46.20.342 ~~((or)),~~ 46.61.515, or section 8 of this act. Whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect and the department shall not issue to the person any new, duplicate, or renewal license until the person pays a reinstatement fee of twenty dollars and gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504 or was imposed under RCW 46.20.308, the reinstatement fee shall be one hundred dollars.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (a) After the expiration of one year from the date the license or privilege to drive was revoked; (b) after the expiration of the applicable revocation period provided by RCW 46.61.515(3) (b) or (c); (c) after the expiration of two years for persons convicted of vehicular homicide; (d) after the expiration of ~~((one year in cases of revocation for the first refusal within five years to submit to a chemical test under RCW 46.20.308; (e) after the expiration of two years in cases of revocation for the second refusal within five years to submit to a chemical test under RCW 46.20.308; or (f))~~ the applicable revocation period provided by section 8 of this act; or (e) after the expiration of the applicable revocation period provided by RCW 46.20.265. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reinstatement fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504 or was imposed under RCW 46.20.308, the reinstatement fee shall be one hundred dollars. Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility

for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020, the suspension shall remain in effect and the department shall not issue to the person any new or renewal license until the person pays a reinstatement fee of twenty dollars. If the suspension is the result of a violation of the laws of another state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a test or tests of the driver's breath or blood alcohol content, the reinstatement fee shall be one hundred dollars.

Sec. 11. Section 37, chapter 121, Laws of 1965 ex. sess. as amended by section 2, chapter 29, Laws of 1972 ex. sess. and RCW 46.20.332 are each amended to read as follows:

At a formal hearing the department shall consider its records and may receive sworn testimony and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers in the manner and subject to the conditions provided in chapter 5.56 RCW relating to the issuance of subpoenas. A subpoena may be issued with like effect by the attorney of record for the party on whose behalf the witness is required to appear. Witnesses in a hearing shall be paid the same fees and allowances, in the same manner and under the same conditions, as provided for witnesses in the courts of this state by chapter 2.40 RCW and by RCW 5.56.010, except that the department shall have the power to fix the allowance for meals and lodgings in like manner as provided in RCW 5.56.010 as to courts. The person initiating a hearing or the party requesting issuance of a subpoena shall pay fees and allowances and the cost of producing records required to be produced by subpoena. A party may impeach any witness, regardless of which party called the witness. In addition the department may require a reexamination of the licensee or applicant. Proceedings at a formal hearing shall be recorded stenographically or by mechanical device. Upon the conclusion of a formal hearing, if not heard by the director or a person authorized by him or her to make final decisions regarding the issuance, denial, suspension or revocation of licenses, the referee or board shall make findings on the matters under consideration and may prepare and submit recommendations to the director or such person designated by the director who is authorized to make final decisions regarding the issuance, denial, suspension, or revocation of licenses.

Sec. 12. Section 46.20.380, chapter 12, Laws of 1961 as last amended by section 6, chapter 1, Laws of 1985 ex. sess. and RCW 46.20.380 are each amended to read as follows:

No person may file an application for an occupational driver's license as provided in RCW 46.20.391 unless he or she first pays to the director or other person authorized to accept applications and fees for driver's licenses a fee of ~~((twenty-five))~~ fifty dollars. The applicant shall receive upon payment an official receipt for the payment of such fee. All such fees shall be forwarded to the director who shall transmit such fees to the state treasurer in the same manner as other driver's license fees.

Sec. 13. Section 1, chapter 5, Laws of 1973 as last amended by section 5, chapter 407, Laws of 1985 and RCW 46.20.391 are each amended to read as follows:

(1) Any person licensed under this chapter whose driving privilege has been suspended under section 8(1)(b)(i) of this act or who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, may submit to the department an application for an occupational driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle, may issue an occupational driver's license and may set definite restrictions as provided in RCW 46.20.394. No person may petition for, and the department shall not issue, an occupational driver's license that is effective during the first thirty days of any suspension or revocation imposed under RCW 46.61.515 or section 8(1)(b)(i) of this act. A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department.

(2) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the present conviction or administrative action, the applicant has not been convicted of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within five years immediately preceding the present conviction or administrative action, the applicant has not been convicted of driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor under RCW 46.61.502 or 46.61.504, of vehicular homicide under RCW 46.61.520, or of vehicular assault under RCW 46.61.522, or had a license administratively suspended or revoked under section 8(1)(b)(i) of this act; and

(c) The applicant is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle; and

(d) The applicant files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

(3) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has had a driver's license administratively suspended or revoked under RCW 46.20.308 or has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense that pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction, suspension, or revocation, and continues with the same force and effect as any suspension or revocation under this title.

Sec. 14. Section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 1, chapter 352, Laws of 1985 and RCW 46.61.515 are each amended to read as follows:

(1) Every person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished by imprisonment for not less than twenty-four consecutive hours nor more than one year, and by a fine of not less than two hundred fifty dollars and not more than one thousand dollars. Unless the judge finds the person to be indigent, two hundred fifty dollars of the fine shall not be suspended or deferred. Twenty-four consecutive hours of the jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. The court may impose conditions of probation that may include nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The convicted person shall, in addition, be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services, as determined by the court. A diagnostic evaluation and treatment recommendation shall be prepared under the direction of the court by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the department of licensing. Based on the diagnostic evaluation, the court shall determine whether the convicted person shall be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services. Standards for approval for alcohol treatment programs shall be prescribed by rule under the administrative procedure act, chapter 34.05 RCW. The courts shall periodically review the costs of alcohol information schools and treatment programs within their jurisdictions.

(2) On a second or subsequent conviction for driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs within a five-year period a person shall be punished by imprisonment for not less than seven days nor more than one year and by a fine of not less than five hundred dollars and not more than two thousand dollars. District courts and courts organized under chapter 35.20 RCW are authorized to impose such fine. Unless the judge finds the person to be indigent, five hundred dollars of the fine shall not be suspended or deferred. The jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. If, at the time of a second or subsequent conviction, the driver is without a license or permit because of a previous suspension or revocation, the minimum mandatory sentence shall be ninety days in jail and a two hundred dollar fine. The penalty so imposed shall not be suspended or deferred. The person shall, in addition, be required to complete a diagnostic evaluation by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. The report shall be forwarded to the department of licensing. If the person is found to have an alcohol or drug problem requiring treatment, the person shall complete treatment at an approved alcoholism treatment facility or approved drug treatment center.

In addition to any nonsuspendable and nondeferrable jail sentence required by this subsection, the court shall sentence a person to a term of imprisonment not exceeding one hundred eighty days and shall suspend but shall not defer the sentence for a period not exceeding two years. The suspension of the sentence may be conditioned upon nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of suspension during the suspension period.

(3) The license or permit to drive or any nonresident privilege of any person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs shall:

(a) On the first conviction under either offense, where there has been no previous suspension or denial imposed under section 8(1)(b) of this act for the incident upon which the conviction is based, or where there has been no previous incident resulting in a suspension, revocation, or denial under section 8(1)(b) of this act within the five-year period preceding the current conviction, be suspended by the department until the person reaches age nineteen or for ninety days, whichever is longer. The department of licensing shall determine the person's eligibility for licensing based upon the reports provided by the designated alcoholism agency, drug treatment center, or probation department and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified;

(b) On a second conviction under either offense within a five-year period, where there has been no previous revocation or denial imposed under section 8(1)(b) of this act for the incident upon which the conviction is based, be revoked by the department for one year. A previous incident resulting in a suspension, revocation, or denial under section 8(1)(b) of this act within the five-year period preceding the current conviction shall be considered a previous conviction for purposes of this subsection. The department of licensing shall determine the person's eligibility for licensing based upon the reports provided by the designated alcoholism agency, drug treatment center, or probation department and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified;

(c) On a third or subsequent conviction of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs, vehicular homicide, or vehicular assault, or any combination thereof within a five-year period, where there has been no previous revocation or denial imposed under section 8(1)(b) of this act for the incident upon which the conviction is based, be revoked by the department for two years. Previous incidents resulting in suspension, revocation, or denial under section 8(1)(b) of this act within the five-year period preceding the current conviction shall be considered previous convictions for purposes of this subsection.

(4) In any case provided for in this section, where a driver's license is to be revoked or suspended, the revocation or suspension shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case the conviction is sustained on appeal the revocation or suspension takes effect as of the date that the conviction becomes effective for other purposes.

Sec. 15. Section 46.68.060, chapter 12, Laws of 1961 as last amended by section 11, chapter 99, Laws of 1969 and RCW 46.68.060 are each amended to read as follows:

(1) There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records ~~((and))~~, maintaining ~~((such))~~ the case records ~~((and))~~ necessary to carry out the purposes set forth in RCW 43.59.010, and as otherwise provided in subsection (2) of this section.

(2) The sum of ten dollars shall be paid from the highway safety fund to law enforcement agencies for each reinstatement fee collected under RCW 46.20.311 due to a suspension or revocation arising from an arrest under RCW 46.61.502 or 46.61.504 as reimbursement for the required administrative procedures.

NEW SECTION. Sec. 16. The traffic safety commission shall undertake a study of the effectiveness of sections 5 through 15 of this act and shall report its finding to the governor and the legislative health and transportation committees within thirty months of the effective date of this section.

NEW SECTION. Sec. 17. The traffic safety commission shall undertake a study of the effectiveness of the existing deferred prosecution program, chapter 10.05 RCW, as it relates to alcoholism and shall report its findings to the governor and the legislative health and transportation committees within twelve months of the effective date of this section.

NEW SECTION. Sec. 18. A new section is added to chapter 43.131 RCW to read as follows:

The governor's comprehensive state strategy on substance abuse and the interdepartmental coordinating committee shall be terminated on June 30, 1995, as provided in section 19 of this act.

NEW SECTION. Sec. 19. A new section is added to chapter 43.131 RCW to read as follows:

Section 3, chapter _____, Laws of 1990 and RCW 43.____ (section 3 of this act), as now existing or hereafter amended, are each repealed, effective June 30, 1996.

NEW SECTION. Sec. 20. The following acts or parts of acts are each repealed:

(1) Section 6, chapter 122, Laws of 1972 ex. sess., section 220, chapter 158, Laws of 1979, section 8, chapter 270, Laws of 1989 and RCW 70.96A.060; and

(2) Section 2, chapter 219, Laws of 1984, section 2, chapter 352, Laws of 1985 and RCW 46.20.599.

NEW SECTION. Sec. 21. The sum of two hundred sixty-seven thousand dollars, or as much thereof as may be necessary, is appropriated to the department of licensing from the highway safety fund for the biennium ending June 30, 1991, to carry out sections 5 through 17 of this act.

NEW SECTION. Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 23. The department of licensing may adopt rules necessary to carry out sections 5 through 17 of this act.

NEW SECTION. Sec. 24. Sections 9, 17, and 21 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately. Sections 5 through 8 and 10 through 16 of this act shall take effect on July 1, 1991. The director of licensing may immediately take such steps as are necessary to insure that all sections of this act are implemented on their respective effective dates."

MOTION

Senator Patrick moved that the following amendment by Senators Patrick and Talmadge to the amendment by Senators West and Nelson be adopted:

On page 4, after line 28 of the amendment, strike all material through "dates." on page 22, line 19, and insert the following:

"Sec. 5. Section 9, chapter 148, Laws of 1988 and RCW 46.20.311 are each amended to read as follows:

(1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as permitted under RCW 46.20.342 or 46.61.515. Whenever the license of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291, the suspension shall remain in effect and the department shall not issue to the person any new, duplicate, or renewal license until the person pays a reinstatement fee of (~~(twenty)~~) fifty dollars and gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the reinstatement fee shall be (~~(fifty)~~) one hundred fifty dollars.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (a) After the expiration of one year from the date on which the revoked license was surrendered to and received by the department; (b) after the expiration of the applicable revocation period provided by RCW 46.61.515(3) (b) or (c); (c) after the expiration of two years for persons convicted of vehicular homicide; (d) after the expiration of one year in cases of revocation for the first refusal within five years to submit to a chemical test under RCW 46.20.308; (e) after the expiration of two years in cases of revocation for the second refusal within five years to submit to a chemical test under RCW 46.20.308; or (f) after the expiration of the applicable revocation period provided by RCW 46.20.265. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reinstatement fee in the amount of (~~(twenty)~~) fifty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reinstatement fee shall be (~~(fifty)~~) one hundred fifty dollars. Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways. A resident without a license or permit whose license or permit was revoked under RCW 46.20.308(6) shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020, the suspension shall remain in effect and the department shall not issue to the person any new or renewal license until the person pays a reinstatement fee of (~~(twenty)~~) fifty dollars. If the suspension is the result of a violation of the laws of another state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, the reinstatement fee shall be (~~(fifty)~~) one hundred fifty dollars.

Sec. 6. Section 46.20.380, chapter 12, Laws of 1961 as last amended by section 6, chapter 1, Laws of 1985 ex. sess. and RCW 46.20.380 are each amended to read as follows:

No person may file an application for an occupational driver's license as provided in RCW 46.20.391 unless he or she first pays to the director or other person authorized to accept applications and fees for driver's licenses a fee of (~~(twenty-five)~~) sixty dollars. The applicant shall receive upon payment an official receipt for the payment of such fee. All such fees shall be

forwarded to the director who shall transmit such fees to the state treasurer in the same manner as other driver's license fees.

NEW SECTION. Sec. 7. The Washington traffic safety commission shall undertake a study of the effectiveness of the existing deferred prosecution program, chapter 10.05 RCW, as it relates to alcoholism and shall report its findings to the governor and the appropriate legislative committees within twelve months of the effective date of this section.

NEW SECTION. Sec. 8. The legislature finds that city and county governments are in need of additional funding to offset their costs of enforcing the laws prohibiting driving while intoxicated. It is the intent of the legislature that funds be made available in the form of state grants to assist cities and counties to reduce workloads and court congestion and thereby increase the effectiveness and enforceability of the laws pertaining to driving while intoxicated.

NEW SECTION. Sec. 9. (1) From the funds appropriated, the traffic safety commission shall distribute grants to cities and counties to enhance the prosecution and adjudication of serious traffic offenses. "Serious traffic offenses," as used in this chapter, means driving or in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs.

(2) Applications from cities and counties for grants under this section shall be evaluated and prioritized by the commission with the advice of a committee consisting of:

(a) Two prosecuting attorneys appointed by the Washington association of prosecuting attorneys;

(b) One municipal attorney and one elected municipal official appointed by the association of Washington cities;

(c) One elected county official appointed by the Washington state association of counties;

(d) Two district court judges and one municipal court judge appointed by the Washington state magistrates association; and

(e) The administrator for the courts, or the administrator's designee.

(3) Members of the advisory committee shall be appointed within thirty days of the effective date of this act.

(4) Members of the advisory committee shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 10. The traffic safety commission shall use the following criteria in establishing priorities for grant applications under section 9 of this act:

(1) The extent to which cities and counties have increased local expenditures for the prosecution and adjudication of serious traffic offenses in 1989 as compared to 1988;

(2) The extent to which cities and counties have maintained their level of local expenditures for the prosecution and adjudication of serious traffic offenses in 1989 as compared to 1988; and

(3) The extent to which cities and counties have exceeded their overall capacity to handle court caseloads.

NEW SECTION. Sec. 11. (1) The traffic safety commission shall establish guidelines for grant applications consistent with the criteria set forth in section 10 of this act and shall transmit the guidelines and grant application forms to all cities and counties by November 1, 1990.

(2) Grant applications shall contain:

(a) Certification as to the number of employees prosecuting and adjudicating serious traffic offenses in 1988 and 1989, and the time commitment of those employees to that purpose;

(b) Quantification of filings, dismissals, pleas to reduced charges, jury trials demanded and conducted, and deferred prosecutions. This information shall be grouped by serious traffic offenses filings and total filings and shall be based on the best available data for 1988 and 1989, including statistics from the administrator for the courts, uniform crime reports, department of licensing reports, locally maintained records, and any other information deemed relevant by the commission;

(c) Information on the city's or county's overall capacity to handle court caseloads, including jury and bench trials disposed of per judge, use of pro tem judges, and other techniques for handling caseloads;

(d) The use to which the grant moneys will be put and the anticipated results; and

(e) A certified statement that the grant moneys will not be used to supplant local funds.

(3) Grant applications shall be made to the commission by January 1, 1991.

(4) Cities and counties may submit joint grant applications.

NEW SECTION. Sec. 12. (1) The traffic safety commission may award grants in whole or in part based on priority, evaluation of need, and available revenues as appropriated.

(2) Cities and counties receiving grants under section 9 of this act shall ensure that local funds are not supplanted by the grant moneys and shall report by January 1, 1992, to the commission on the manner in which grant funds were expended and the results obtained from the grant. If the grant moneys are used to supplant local funds, the local government shall repay to the state the total amount of the grant moneys received.

NEW SECTION. Sec. 13. All fees collected under RCW 46.20.311 and 46.20.380 shall be deposited in the highway safety fund to be used by the Washington traffic safety commission for the grants under section 9 of this act. Moneys in the fund may be used only after appropriation.

NEW SECTION. Sec. 14. Sections 7 through 13 of this act are each added to chapter 43.59 RCW.

NEW SECTION. Sec. 15. The sum of two million four hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the highway safety fund to the Washington traffic safety commission for the purposes of this act."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Patrick and Talmadge on page 4, after line 28, to the striking amendment by Senators West and Nelson to Substitute Senate Bill No. 6710.

The motion by Senator Patrick failed and the amendment to the striking amendment was not adopted on a rising vote.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators West and Nelson to Substitute Senate Bill No. 6710.

The striking amendment to Substitute Senate Bill No. 6710 was adopted.

MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 2 of the title, after "injury;" strike the remainder of the title and insert "amending RCW 46.04.580, 46.20.308, 46.20.311, 46.20.311, 46.20.332, 46.20.380, 46.20.391, 46.61-515, and 46.68.060; adding a new section to Title 43 RCW; adding new sections to chapter 43.131 RCW; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.20 RCW; adding a new section to chapter 36.28A RCW; creating new sections; repealing RCW 70.96A.060 and 46.20.599; prescribing penalties; making an appropriation; providing an effective date; and declaring an emergency."

On motion of Senator Nelson, Engrossed Substitute Senate Bill No. 6710 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6710.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6710 and the bill passed the Senate by the following vote: Yeas, 31; nays, 17; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Bluechel, Cantu, Conner, Craswell, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Nelson, Patrick, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West - 31.

Voting nay: Senators Bauer, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, McMullen, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Rinehart, Talmadge, Williams, Wojahn - 17.

Excused: Senator Benitz - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6710, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6537, by Senators Smith, Stratton, Vognild, Bailey, Craswell and Rasmussen

Providing for foster care reform and making appropriations.

MOTIONS

On motion of Senator Smith, Second Substitute Senate Bill No. 6537 was substituted for Senate Bill No. 6537 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, the following amendments were considered simultaneously and were adopted:

On page 2, line 24, strike "every odd-numbered" and insert "each"

On page 2, line 30, strike "every even-numbered" and insert "each"

On motion of Senator Smith, the following amendment was adopted:

On page 6, line 9, after "develop" strike all material through "5" on line 10, and insert "programs similar to those used effectively in other states"

On motion of Senator Smith, the following amendment was adopted:

On page 6, line 18, after "dollars" insert "of the funds provided for this section"

Senator Niemi moved that the following amendment be adopted:

On page 6, after line 19 add a new section to read as follows:

***NEW SECTION. Sec. 16.** A new section is added to chapter 74.13 RCW to read as follows:

(1) The department shall establish a state-wide program to manage health services for children in foster care. Services include medical and developmental services already provided subject to current statutes and available resources, and shall provide children in foster care with:

- (a) Health screening, supervision, and continuity of care;
 - (b) Developmental screening;
 - (c) Illness and emergency care; and
 - (d) Child centered management plans designed to address specific therapeutic rehabilitative and preventative needs. Case management shall be used to ensure comprehensiveness and continuity of care.
- (2) Strategies for reimbursements shall be developed which utilize prospective payment or capitation formulas."

Re-number the remaining sections consecutively.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Niemi on page 6, after line 19, to Second Substitute Senate Bill No. 6537.

The motion by Senator Niemi carried and the amendment was adopted.

MOTIONS

Senator Kreidler moved that the following amendment by Senators Kreidler and Rasmussen be adopted:

On page 8, after line 13, insert the following:

***NEW SECTION. Sec. 25.** The legislature recognizes the unique risks that foster parents face in taking children into their care. Third parties may file claims against foster parents for property losses and damage caused by foster children, nearly all of whom "act out" their emotional pain. The legislature finds that some potential foster parents are unwilling to subject themselves to such liability without insurance protection. The legislature further finds that to encourage those people to serve as foster parents, it is necessary to assure that such insurance is available to them.

Sec. 26. Section 7, chapter 159, Laws of 1963 as last amended by section 4, chapter 419, Laws of 1989 and RCW 4.92.130 are each amended to read as follows:

A liability account in the custody of the treasurer is hereby created as a nonappropriated account to be used solely and exclusively for the payment of liability settlements and judgments against the state under 42 U.S.C. Sec. 1981 et seq. or for the tortious conduct of its officers, employees, and volunteers; or for payment of liability settlements and judgments against foster parents licensed under chapter 74.15 RCW.

(1) The purpose of the liability account is to: (a) Expediently pay legal liabilities of the state and foster parents resulting from tortious conduct; (b) promote risk control through a cost allocation system which recognizes agency loss experience, levels of self-retention, and levels of risk exposure; and (c) establish an actuarially sound system to pay incurred losses, within defined limits.

(2) The liability account shall be used to pay claims for injury and property damages exclusive of legal defense costs and agency-retained expenses otherwise budgeted.

(3) No money shall be paid from the liability account unless all proceeds available to the claimant from any valid and collectible liability insurance shall have been exhausted and unless:

(a) The claim shall have been reduced to final judgment in a court of competent jurisdiction; or

(b) The claim has been approved for payment.

(4) Earnings on the account's assets shall be credited to the account, notwithstanding RCW 43.84.090.

(5) The liability account shall be financed through annual premiums assessed to state agencies, based on sound actuarial principles, and shall be for liability coverage in excess of agency-budgeted self-retention levels.

(6) Annual premium levels shall be determined by the risk manager, with the consultation and advice of the risk management advisory committee and concurrence from the office of

financial management. An actuarial study shall be conducted to assist in determining the appropriate level of funding.

(7) Disbursements from the liability account shall be made to the claimant, or to the clerk of the court for judgments, upon written request to the state treasurer from the risk manager.

(8) The director of the office of financial management may direct agencies to transfer moneys from other funds and accounts to the liability account if premiums are delinquent.

(9) The liability account shall not exceed fifty percent of the actuarial value of the outstanding liability as determined annually by the office of risk management. If the account exceeds the maximum amount specified in this section, premiums may be adjusted by the office of risk management in order to maintain the account balance at the maximum limits. If, after adjustment of premiums, the account balance remains above the limits specified, the excess amount will be prorated back to the appropriate funds.

NEW SECTION, Sec. 27. A new section is added to chapter 74.14B RCW to read as follows:

(1) If sufficient funding to cover foster parents' liability is not provided for in appropriations for the liability account in RCW 4.92.130, the secretary of social and health services shall provide liability insurance to foster parents licensed under chapter 74.15 RCW. Unless the foster parent has professional liability insurance which shall be primary to the insurance provided herein, the coverage shall be primary, with no deductible, in an amount not to exceed one million dollars for bodily injury and property damage alleged to have occurred within their capacity as foster parents. However, such insurance may not cover illegal conduct, gross negligence, or bad faith acts taken in providing foster care on the part of the foster parents.

(2) The secretary of social and health services may purchase the insurance required in subsection (1) of this section or may choose a self-insurance method.

(3) Nothing in this section is intended to modify the foster parent reimbursement plan in place on the effective date of this act.

(4) The liability insurance program shall be available by July 1, 1990."

Renumber the sections consecutively and correct internal references accordingly.

Senator Kreidler moved that the following amendment to the amendment by Senators Kreidler and Rasmussen be adopted:

On page 5 of the amendment, after line 6, add a new section as follows:

"**NEW SECTION, Sec. 28.** If specific funding for the purpose of sections 25, 26, and 27 of this act, referencing sections 25, 26, and 27 of this act by bill and section numbers, is not provided by June 30, 1990, in the omnibus appropriations act, sections 25, 26, and 27 of this act shall be null and void."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Kreidler on page 5, after line 6, to the amendment by Senators Kreidler and Rasmussen on page 8, after line 13, to Second Substitute Senate Bill No. 6537.

The motion by Senator Kreidler carried and the amendment to the amendment was adopted.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Kreidler and Rasmussen on page 8, after line 13, as amended, to Second Substitute Senate Bill No. 6537.

Debate ensued.

The amendment by Senators Kreidler and Rasmussen on page 8, after line 13, to Second Substitute Senate Bill No. 6537 was adopted by voice vote.

MOTIONS

On motion of Senator Smith, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "children," insert "amending RCW 4.92.130."

On page 1, line 3 of the title, after "RCW" insert "adding a new section to chapter 74.13 RCW";

On page 1, line 3 of the title, after "13.34 RCW;" insert "adding a new section to chapter 74.14B RCW;"

On motion of Senator Smith, Engrossed Second Substitute Senate Bill No. 6537 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Stratton: "Senator Smith, in committee, when we heard this bill, you were so very sure that there would be funding for this bill as it went through the

process and now the money has been taken out. Do you still feel as confident that this bill will be funded--or should I direct that question to Senator McDonald?"

Senator Smith: "I think you can direct it to me. I think this bill is a high priority in this Senate and as evidenced by the one hundred percent vote out of Ways and Means, you have a lot of strong support. I know that when that has happened before, we have found funding in the budget, so I would believe that it would be in the budget."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6537.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6537 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Benitz - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6537, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6411, by Senators Lee, Smitherman, Warnke, Bender and Rasmussen (by request of Governor Governor)

Establishing an employment training program.

MOTION

Senator Lee moved that Senate Bill No. 6411 not be substituted.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Lee that Senate Bill No. 6411 not be substituted.

The motion by Senator Lee carried and Senate Bill No. 6411 was not substituted.

The bill was read the second time.

MOTION

Senator Lee moved that the following amendment by Senators Bailey Lee and Saling be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that demographic and economic changes are causing an increasing shortage of well trained workers within Washington. The working age population is growing at a decreasing rate due to the aging of the post World War II baby boom generation and due to a lower rate of birth. The current economic boom in the state is aggravating this long-term trend by lowering the rate of unemployed individuals seeking work. Because of the developing labor shortage, Washington businesses increasingly need to employ individuals from demographic groups which have been traditionally underrepresented among the employed population. Many of these and other individuals need training in order to have the skills required by employers. Despite economic growth, significant unemployment remains a serious and persistent problem in many areas of the state. By making first rate training available to individuals who lack suitable skills for employment in well-paying careers, the state will enhance employment opportunities for low-income individuals, unemployed persons, dislocated workers, and others enabling more citizens of the state to enjoy our economic prosperity.

The legislature further finds that our state's businesses have a growing need for highly trained workers because of the increasing technological complexity of occupations and due to increasing world market competition. Because of these technical and economic changes, businesses in the future will need to fully utilize the capacities of their workers for skilled, flexible, and intelligent work.

The legislature further finds that the vast majority of the work force for the year 2000 and beyond is already of the age eighteen years or older. For the work force of the future to be

well trained will require a first-rate adult training system. This system will need to train those individuals who are entering and reentering the labor market and those individuals already employed who need new or updated skills to meet changing technological and economic conditions. For the training system to be first rate will require a system that is well coordinated between service providers, is accountable for its performance, and is responsive to the needs of businesses and the work force. The training system must emphasize training in broad-based skills with long-term career potential. For the state to have a first rate training system requires a thorough study of our present and future training needs; experimentation in new ways of providing training; and leadership and recommendations from representatives of business, workers, and training providers.

The legislature further finds that adults without the basic skills needed for training in job skills are more likely to need unemployment compensation and welfare payments, and to fill our state's correctional institutions. The legislature intends to assess adult educational opportunities in the state for adults lacking basic literacy skills, for adults who have not received a high school diploma, and for adults who have received a high school diploma but whose level of achievement, based on standard measures, indicates that additional basic skills are necessary in order to enter a job training program.

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

(1) "Basic literacy" means achievement at a tenth grade educational level as measured by standardized tests.

(2) "Council" means the advisory council on investment in human capital.

(3) "Training" means any education, literacy, or skill training or retraining activity that is needed by an individual to begin or continue full participation in the Washington work force.

(4) "Training system" means the network of public and private providers of training, and includes secondary vocational education programs for gainful employment upon completion of a designated program sequence, but not other programs of primary or secondary education.

(5) "Training providers" includes agencies and institutions of secondary vocational education programs for gainful employment upon completion of a designated program sequence, adult education, vocational technical institutes, community colleges, apprenticeship programs, private and public nonprofit organizations that are representative of communities or significant segments of communities and provide job training services, and private for-profit organizations that provide training as their primary service.

NEW SECTION. Sec. 3. There is created the advisory council on investment in human capital. The council shall consist of six voting members, twelve nonvoting members, and a nonvoting chairperson. The speaker of the house of representatives shall appoint two of the nonvoting members, one from each caucus of the house of representatives; and the president of the senate shall appoint two of the nonvoting members, one from each caucus of the senate. The governor shall appoint the remaining members of the council. Three of the voting members shall be representatives of business, and three of the voting members shall be representatives of labor. Four of the nonvoting members shall be the state superintendent of public instruction, the executive director of the state board for community college education, the commissioner of the department of employment security, and the director of the department of labor and industries. Four of the nonvoting members shall be a representative of the general public, a representative of a broad-based coalition of groups providing literacy services, a representative of private or public nonprofit organizations that are representative of communities or significant segments of communities and provide job training services, and a representative of private for-profit organizations that provide job training services as their primary service. The governor or the governor's designee shall serve as the nonvoting chairperson of the council. The council shall meet as necessary to carry out its purposes. Travel expenses shall be reimbursed in accordance with RCW 43.03.050 and 43.03.060 for council members who are not legislators, and in accordance with RCW 44.04.120 for council members who are legislators.

NEW SECTION. Sec. 4. (1) The council shall advise the office of financial management concerning the study of training authorized under section 5 of this act.

(2) The council shall advise the office of financial management and other appropriate state agencies concerning the pilot programs established under sections 6 through 8 of this act.

(3) The council shall make recommendations on changes necessary in state policies for training to the legislature, the office of financial management, and the governor by December 1, 1990.

(4) The office of financial management and the office of the governor shall provide staff to the council as necessary to carry out the purposes of sections 4 through 8 of this act.

NEW SECTION. Sec. 5. The office of financial management shall, with the advice of the council, administer a study of the training needs of the state's work force, businesses, and the economy, including an evaluation and inventory of the training system. The office of financial management shall complete the study by December 1, 1990, and present the study to the council and the governor. For purposes of the study, the office of financial management shall

use already existing data whenever appropriate. As necessary, the labor market and economic analysis unit of the department of employment security shall assist the office of financial management with labor market and economic data, and state agencies that provide training shall assist the office of financial management with data on their training programs. The office of financial management shall request assistance in obtaining information on training programs, labor markets, and employment data from federal and local agencies and private institutions. The director of the office of financial management may contract for services necessary for the completion of the study, and shall contract for services as necessary to ensure objectivity in evaluating the training system. The study shall include:

(1) An assessment of the employment competency needs of the present and emerging Washington work force, including regional and demographic subgroups of the state work force, and projections of these competencies to the year 2010. Employment competency needs shall include, but not be limited to, literacy, basic skills, and vocational skills;

(2) An assessment of the current work force skill needs of Washington businesses and public employers, including subgroups by region, industry, and firm size, and projections of these needs to the year 2010. Work force skill needs shall include, but not be limited to, literacy, basic skills, and vocational skills;

(3) An assessment of the gaps which may exist between the competencies of the work force and the work force skill needs of Washington businesses between now and the year 2010 given current training policies;

(4) An assessment of the characteristics, size, and geographic distribution of Washington population groups which are in need of training between now and the year 2010;

(5) An inventory and analysis of alternative training programs, policies, and funding mechanisms including, but not limited to, financial contributions from businesses, workers, and trainees, which have been proposed or are in use in other states or other nations;

(6) An assessment of current data, information, monitoring, and evaluation systems so that training needs and training providers may be assessed on an ongoing, systematic, objective, and comprehensive basis. This assessment shall include integrating an evaluation component into each of the pilot programs authorized under sections 6 through 8 of this act;

(7) An inventory and analysis of the current training system in terms of organization, coordination, responsiveness, accountability, effectiveness, resources, support services for trainees, and access, including access for subgroups of the population, including but not limited to subgroups by gender, race, ethnicity, and income level, and including an analysis of the job readiness of students graduating from the state's K-12 system, particularly students who have completed a vocational education designated program sequence for gainful employment, and an inventory of training provided by employers whose primary product is not training;

(8) Recommendations for reducing the percentage of the adult population lacking basic literacy skills to five percent by the year 2010. The recommendations shall provide a framework for interagency collaboration and include:

(a) Recommendations on state policies and objectives to guide the adult literacy activities of the state;

(b) Recommendations on strategies and criteria for coordinating and enhancing adult literacy activities, programs, and services to achieve recommended state policies and objectives, meet the basic skill needs of the adult population, and maximize available state and local resources and expertise devoted to literacy training;

(c) Recommendations on methods to identify and recruit adults lacking basic literacy skills for placement in literacy training programs; and

(d) Recommendations on evaluation criteria to be used to assess literacy program successes and monitor compliance with recommended state policies and objectives;

(9) Recommendations on changes in the training system, including but not limited to ways of improving coordination and integration to meet the present and future needs of the work force, businesses, and the economy; and

(10) Recommendations on improving the overall governance of vocational education in this state, including but not limited to:

(a) Recommendations regarding establishing new state agencies or designating existing agencies to be responsible for coordinating vocational education;

(b) Recommendations on who should be assigned responsibility for those duties assigned by statute and delegated by executive order to the coordinating council for occupational education, the commission for vocational education, the state board for vocational education, the job training councils of the employment security department, and the council on vocational education; and

(c) Determination of ways to effectively develop a comprehensive state plan for vocational education and coordinate vocational education programs.

NEW SECTION. Sec. 6. The office of financial management and the office of the governor, with the advice of the council, shall oversee pilot programs for job training. The pilot programs shall test means of integrating delivery systems and improving the responsiveness of training providers to the needs of businesses and the work force. Each pilot program shall integrate an evaluation component in conjunction with the study conducted under section 5 of this act.

NEW SECTION. Sec. 7. The state board for community college education shall, in cooperation with the office of financial management, administer pilot programs which provide additional community college training programs incorporating new means of responding to the needs of businesses and the work force. The state board for community college education shall, as appropriate, coordinate these projects with the economic development services provided by the department of trade and economic development and the department of employment security. The state board for community college education may hire up to thirteen and one-half full time equivalent employees to carry out the pilot programs under this section.

NEW SECTION. Sec. 8. The superintendent of public instruction shall administer a pilot program on integrating adult education instruction within vocational technical institutes. Under this pilot program the vocational technical institutes shall provide two hundred thousand additional hours of adult education instruction.

NEW SECTION. Sec. 9. The legislature finds that school districts may provide vocational education programs for students more effectively through cooperatives using existing district facilities, facilities at work sites, and facilities including but not limited to mobile instructional units, distance learning, and computers, without the need to construct separate facilities. It is the intent of the legislature to encourage such cooperatives among school districts on a demonstration basis.

NEW SECTION. Sec. 10. The superintendent of public instruction may establish a grant award program to establish demonstration vocational cooperatives for the purposes of sections 9 through 15 of this act. Grants may be awarded for not more than three projects. The cooperatives approved should include projects in urban and rural areas and districts of varying characteristics and size.

NEW SECTION. Sec. 11. The superintendent of public instruction shall administer sections 9 through 15 of this act subject to legislative appropriation for this purpose. The superintendent shall approve requests based on criteria established by the superintendent and notify districts of grant awards on or before August 1, 1990. The demonstration vocational cooperative projects shall begin with the 1990-91 school year. The grant awards may be continued for up to five years if the funds are so provided.

NEW SECTION. Sec. 12. Initial applications to participate in the demonstration vocational cooperative program shall be submitted to the superintendent of public instruction not later than June 30, 1990. Each application shall contain a proposed plan that:

- (1) Explains how the plan meets the criteria;
- (2) Describes specific activities to be carried out;
- (3) Identifies the evaluation processes to be used; and
- (4) Includes a copy of the agreement for joint cooperative action pursuant to chapter 39.34 RCW.

NEW SECTION. Sec. 13. The grant awards for such demonstration vocational cooperatives shall be based on an allocation which includes:

- (1) The same amount as would be calculated pursuant to RCW 28A.41.140 for a skill center with the same full time equivalent enrollment; and
- (2) An amount to compensate the serving districts for costs to administer the cooperatives pursuant to standards established by the superintendent of public instruction.

NEW SECTION. Sec. 14. Following the completion of each year of operation, each demonstration vocational cooperative shall submit an evaluation of the cooperative program to the superintendent of public instruction in accordance with requirements of the superintendent. On or before July 1, 1991, the superintendent of public instruction shall submit a report to the education committees of the house of representatives and the senate including the cooperative evaluations and recommendations concerning the continuation of this program.

NEW SECTION. Sec. 15. The superintendent of public instruction shall adopt rules under chapter 34.05 RCW if necessary to implement the superintendent's duties under sections 9 through 14 of this act.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 17. This act shall expire on July 1, 1991.

NEW SECTION. Sec. 18. If specific funding for the purposes of sections 3, 4, and 5 of this act, referencing this act by bill number and the applicable section numbers, is not provided by June 30, 1990, in the supplemental omnibus appropriations act, sections 3, 4, and 5 of this act shall be null and void.

NEW SECTION. Sec. 19. If specific funding for the purposes of sections 6, 7, and 8 of this act, referencing this act by bill number and the applicable section numbers, is not provided by June 30, 1990, in the supplemental omnibus appropriations act, sections 6, 7, and 8 of this act shall be null and void.

NEW SECTION. Sec. 20. If specific funding for the purposes of sections 9 through 15 of this act, referencing this act by bill number and applicable section numbers, is not provided by June 30, 1990, in the supplemental omnibus appropriations act, sections 9 through 15 of this act shall be null and void.

NEW SECTION, Sec. 21. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Lee, on page seven, on line seven and on down, it says, 'The Office of Financial Management shall complete the study by December 1, 1990, and present the study to the council and the Governor.' You indicated that report was to come to the Legislature, also. Would you mind an amendment putting the Legislature in there, also?"

Senator Lee: "Senator Rasmussen, the study itself is to be done by OFM and then it goes to the council and the council is to make recommendations. The council is to submit--it says over on the preceding page--on page six--about line twenty-four, 'The council shall make recommendations on changes necessary in state policies for training to the Legislature, the Office of Financial Management, and the Governor by December 1, 1990.' So, we just didn't think we needed all of the data to start with. It will certainly be available to us, but I think we are more interested in the conclusions, than all of the raw data, but it would be available. We didn't think they wanted to have to reprint several thousand of pages and send it to every one of us, so we put it in subsection 3 of Section 4, rather than in Section 5."

Senator Rasmussen: "Senator Lee, if I may, I wouldn't think there'd be several thousand pages if the Office of Financial Management would report on a study. I would think they they would be able to keep that down. That's what they're supposed to be good at."

Senator Lee: "Except that Section 5 is the raw data as opposed to the recommendations."

Senator Rasmussen: "Sometimes we like to get those unwashed reports. After they massage them, they don't look the same."

Senator Lee: "And it will be available to us."

Senator Rasmussen: "Will it?"

Senator Lee: "Yes."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Bailey, Lee and Saling to Senate Bill No. 6411.

The motion by Senator Lee carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Lee, the following title amendment was adopted:

On page 1, line 1 of the title, after "capital," strike the remainder of the title and insert "creating new sections; providing an expiration date; and declaring an emergency."

On motion of Senator Lee, Engrossed Senate Bill No. 6411 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTIONS

On motion of Senator Anderson, Senator Matson was excused.

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6411.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6411 and the bill passed the Senate by the following vote: Yeas, 31; nays, 15; absent, 1; excused, 2.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, McMullen, Murray, Nelson, Owen, Patrick, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Wanke, Williams - 31.

Voting nay: Senators Amondson, Cantu, Craswell, Hayner, McCaslin, McDonald, Metcalf, Moore, Newhouse, Niemi, Rasmussen, Rinehart, Thorsness, West, Wojahn - 15.

Absent: Senator Patterson - 1.

Excused: Senators Benitz, Matson - 2.

ENGROSSED SENATE BILL NO. 6411, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

SECOND READING

SENATE BILL NO. 6189, by Senator McCaslin

Eliminating boundary review boards.

The bill was read the second time.

MOTIONS

On motion of Senator McCaslin, the following amendment by Senators McCaslin and Smitherman was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 15, chapter 189, Laws of 1967 as last amended by section 7, chapter 477, Laws of 1987 and RCW 36.93.150 are each amended to read as follows:

The board, upon review of any proposed action, shall take such of the following actions as it deems necessary to best carry out the intent of this chapter:

(1) Approval of the proposal as submitted;

(2) Subject to RCW 35.02.170, modification of the proposal by adjusting boundaries to add or delete territory: PROVIDED, That any proposal for annexation by the board shall be subject to RCW 35.21.010 and shall not add additional territory, the amount of which is greater than that included in the original proposal: PROVIDED FURTHER, That such modifications shall not interfere with the authority of a city, town, or special purpose district to require or not require preannexation agreements, covenants, or petitions; AND PROVIDED FURTHER, That a board shall not modify the proposed incorporation of a city with an estimated population of seven thousand five hundred or more by removing territory from the proposal, or adding territory to the proposal, that constitutes ten percent or more of the total area included within the proposal before the board, but shall not reduce the territory in such a manner as to reduce the population below seven thousand five hundred;

(3) Determination of a division of assets and liabilities between two or more governmental units where relevant;

(4) Determination whether, or the extent to which, functions of a special purpose district are to be assumed by an incorporated city or town, metropolitan municipal corporation, or another existing special purpose district; or

(5) Disapproval of the proposal except that the board shall not have jurisdiction: (a) To disapprove the dissolution or disincorporation of a special purpose district which is not providing services but shall have jurisdiction over the determination of a division of the assets and liabilities of a dissolved or disincorporated special purpose district (~~(-PROVIDED, That a board shall not have jurisdiction)~~); (b) over the division of assets and liabilities of a special purpose district that is dissolved or disincorporated pursuant to chapter 36.96 RCW; nor (c) to disapprove the incorporation of a city with an estimated population of seven thousand five hundred or more, but the board may recommend against the proposed incorporation of a city with such an estimated population.

Unless the board shall disapprove a proposal, it shall be presented under the appropriate statute for approval of a public body and, if required, a vote of the people. A proposal that has been modified shall be presented under the appropriate statute for approval of a public body and if required, a vote of the people. If a proposal, other than that for a city, town, or special purpose district annexation, after modification does not contain enough signatures of persons within the modified area, as are required by law, then the initiating party, parties or governmental unit has thirty days after the modification decision to secure enough signatures to satisfy the legal requirement. If the signatures cannot be secured then the proposal may be submitted to a vote of the people, as required by law.

The addition or deletion of property by the board shall not invalidate a petition which had previously satisfied the sufficiency of signature provisions of RCW 35.13.130 or 35A.14.120. When the board, after due proceedings held, disapproves a proposed action, such proposed action shall be unavailable, the proposing agency shall be without power to initiate the same or substantially the same as determined by the board, and any succeeding acts intended to or tending to effectuate that action shall be void, but such action may be reinitiated after a period of twelve months from date of disapproval and shall again be subject to the same consideration.

The board shall not modify or deny a proposed action unless there is evidence on the record to support a conclusion that the action is inconsistent with one or more of the objectives

under RCW 36.93.180. Every such determination to modify or deny a proposed action shall be made in writing pursuant to a motion, and shall be supported by appropriate written findings and conclusions, based on the record.

NEW SECTION. Sec. 2. A new section is added to chapter 36.93 RCW to read as follows:

The action of a boundary review board to disapprove the proposed incorporation of a city with a population of seven thousand five hundred or more, that had the notice of proposed action under RCW 36.93.090 filed with the boundary review board after July 1, 1989, shall be deemed to be a recommendation against the proposed incorporation, and a ballot proposition to authorize the incorporation shall be submitted to voters at the next November general election date specified under RCW 29.13.020 occurring after the effective date of this section.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 1 of the title, after "boards;" strike the remainder of the title and insert "amending RCW 36.93.150: adding a new section to chapter 36.93 RCW; and declaring an emergency."

MOTION

On motion of Senator McCaslin, Engrossed Senate Bill No. 6189 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6189.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6189 and the bill passed the Senate by the following vote: Yeas, 41; nays, 6; excused, 2.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Thorsness, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 41.

Voting nay: Senators Anderson, Fleming, Kreidler, Murray, Sutherland, Talmadge - 6.

Excused: Senators Benitz, Matson - 2.

ENGROSSED SENATE BILL NO. 6189, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6221, deferred on second reading February 10, 1990.

Debate ensued.

MOTION

On motion of Senator Bailey, Substitute Senate Bill No. 6221 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6221.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6221 and the bill passed the Senate by the following vote: Yeas, 38; nays, 8; absent, 1; excused, 2.

Voting yea: Senators Amondson, Bailey, Bauer, Bender, Bluechel, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 38.

Voting nay: Senators Anderson, Barr, Cantu, Craswell, Newhouse, Patterson, Sellar, Smith - 8.

Absent: Senator Hayner - 1.
Excused: Senators Benitz, Matson - 2.

SUBSTITUTE SENATE BILL NO. 6221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6671, by Senators Anderson, Saling, Matson and Lee

Granting an exemption to the definition of worker for industrial insurance purposes.

MOTION

Senator Lee moved that Senate Bill No. 6671 not be substituted.

The President declared the question before the Senate to be the motion by Senator Lee that Senate Bill No. 6671 not be substituted.

The motion by Senator Lee carried and Senate Bill No. 6671 was not substituted.

The bill was read the second time.

MOTIONS

On motion of Senator Anderson, the following amendment by Senators Anderson and Lee was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 51.08.180, chapter 23, Laws of 1961 as last amended by section 3, chapter 175, Laws of 1987 and RCW 51.08.180 are each amended to read as follows:

(1) "Worker" means every person in this state who is engaged in the employment of an employer under this title, whether by way of manual labor or otherwise in the course of his or her employment; also every person in this state who is engaged in the employment of or who is working under an independent contract, the essence of which is his or her personal labor for an employer under this title, whether by way of manual labor or otherwise, in the course of his or her employment: PROVIDED, That a person is not a worker for the purpose of this title, with respect to his or her activities attendant to operating a truck which he or she owns, and which is leased to a common or contract carrier.

(2) For the purposes of this title, any person, firm, or corporation currently engaging in a business which is registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW is not a worker when:

(a) Contracting to perform work for any contractor registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW;

(b) The person, firm, or corporation has a principal place of business which would be eligible for a business deduction for internal revenue service tax purposes other than that furnished by the contractor for which the business has contracted to furnish services;

(c) The person, firm, or corporation maintains a separate set of books or records that reflect all items of income and expenses of the business; and

(d) The work which the person, firm, or corporation has contracted to perform is:

(i) The work of a contractor as defined in RCW 18.27.010; or

(ii) The work of installing wires or equipment to convey electric current or installing apparatus to be operated by such current as it pertains to the electrical industry as described in chapter 19.28 RCW.

(3) Any person, firm, or corporation registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW including those performing work for any contractor registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW is a worker when the contractor supervises or controls the means by which the result is accomplished or the manner in which the work is performed.

(4) For the purposes of this title, any person participating as a driver or back-up driver in commuter ride sharing, as defined in RCW 46.74.010(1), is not a worker while driving a ride-sharing vehicle on behalf of the owner or lessee of the vehicle.

(5) For the purposes of this title, unless specifically exempted by other provisions of this title and notwithstanding the provisions of subsection (1) of this section, any person, firm, or corporation, not subject to the provisions of subsections (2), (3), and (4) of this section, is an independent contractor and not a worker when the person, firm, or corporation meets all of the following conditions:

(a) Possesses a federal employer identification number issued by the internal revenue service to the person, firm, or corporation for the type of business or work they are performing as an independent contractor;

(b) Has established an account with the department of revenue, and other state agencies as required by the particular case for work they are performing as an independent contractor for the payment of all state taxes normally paid by employers and businesses;

(c) Has registered for and received a uniform business identifier number from the state of Washington;

(d) Has a principal place of business for the work they are performing as an independent contractor which is eligible for a business deduction for federal income tax purposes;

(e) Maintains a separate set of books or records that reflect all items of income and expenses of the business which they are conducting as an independent contractor;

(f) Is responsible for the purchase or lease of all tools, equipment, and supplies necessary to perform its business services; and

(g) Is not subject to the control of another in determining the means by which the result is accomplished or the manner in which the work is performed.

(6) If employees, other than persons exempt under the provisions of RCW 51.12.020, of an independent contractor are workers as defined by this section, then they shall be covered by the independent contractor and eligible for benefits under this chapter."

On motion of Senator Anderson, the following title amendment was adopted:

On page 1, line 1 of the title, after "insurance;" strike the remainder of the title and insert "and amending RCW 51.08.180."

MOTION

On motion of Senator Lee, Engrossed Senate Bill No. 6671 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTIONS

On motion of Senator Bauer, Senator Fleming was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6671.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6671 and the bill failed to pass the Senate by the following vote: Yeas, 23; nays, 24; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patrick, Patterson, Saling, Smith, Thorsness, West - 23.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Rasmussen, Rinehart, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Vogniid, von Reichbauer, Warnke, Williams, Wojahn - 24.

Excused: Senators Benitz, Fleming - 2.

ENGROSSED SENATE BILL NO. 6671, having failed to receive the constitutional majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Sellar served notice that he would move to reconsider the vote by which Engrossed Senate Bill No. 6671 failed to pass the Senate.

SECOND READING

SENATE BILL NO. 6536, by Senators McDonald, Bluechel, Talmadge, Anderson, Vogniid, Kreidler, McMullen, Bailey, Gaspard, Metcalf and Warnke (by request of Department of Natural Resources)

Providing for the purchase of state forest lands.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6536 was substituted for Senate Bill No. 6536 and the substitute bill was placed on second reading and read the second time.

Senator McDonald moved that the following amendments be considered simultaneously and be adopted:

On page 2, after line 14, strike all material down to and including line 25 and insert the following:

"(b) The remainder of the revenue shall be distributed to the community college forest reserve account."

On page 3, after line 22, strike all material down through line 28

Renumber the sections consecutively.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator McDonald on page 2, after line 14, and page 3, after line 22, to Substitute Senate Bill No. 6536.

The motion by Senator McDonald carried and the amendments were adopted.

MOTION

On motion of Senator Nelson, Engrossed Substitute Senate Bill No. 6536 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Hansen: "Senator Gaspard, what are doing? Are we taking the money that's raised by DNR and the timberlands? Isn't that dedicated for the building of schools and things? What are we doing, taking that dedication off? That fund is already--we're so far behind on it that we can't build schools. What are we doing, taking the rest of the money out now?"

Senator Gaspard: "Senator Hansen, in response, the measure before us does not change, in any way, the Department of Revenue's responsibility to trust lands that it is currently responsible in managing and that we do receive, off of the timber sales and harvesting, the money that goes into the common school construction fund in order to fund the capital projects for the K through 12 public school program.

"This is enacting a new procedure--a new category of timberland--which we have never had before and putting it into a different type of category than what we are doing right now. It is contingent on state general fund dollars in the budget. It has nothing to do, of taking away from the current system that we hold--school trust lands and the common school construction funds. This, in no way, eliminates or deteriorates their position. This is a new fund, a new procedure, and the revenue from the harvesting of these particular trees, or the selling of these trees, would go into a new fund established for the community college system. It does not at all affect the K through 12 system."

Further debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Gaspard, a few years ago the DNR was here asking us to address the issue of transitional lands, encroachment of the cities on the traditional lands that were being used for reforestation and what have you. Is this a replacement for that program, to your knowledge?"

Senator Gaspard: "No, it is not. It is a new program. As a matter of fact, Senator Patterson, in the bill, we mention that the timberlands that they will be purchasing have to be manageable timberlands. There has been a concern that the department would buy transitional lands in urban areas and would never be able to be harvested in order to have funds going into the account. That is not the case. The language states that they have to be manageable timberlands--and it is a new program. It is not now in statute. This will put it in statute, but again I must have one caveat here. It will not operate unless there are funds out of the state general fund budget in order to buy these types of timberlands."

Senator Patterson: "So, this becomes dedicated lands like all of the trust funds that we have for the institutions of higher learning? Now, this would be dedicated to community colleges?"

Senator Gaspard: "Yes, the proceeds of the sales on these timberlands will be dedicated to community colleges."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6536.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6536 and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Cantu, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Voting nay: Senators Amondson, Barr, Conner, Craswell, Hansen, Sellar - 6.

Excused: Senator Benitz - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6536, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6538, by Senators Smith, Stratton, Vognild, Bailey, Craswell and Rasmussen

Pertaining to termination of parental rights.

MOTIONS

On motion of Senator Smith, Second Substitute Senate Bill No. 6538 was substituted for Senate Bill No. 6538 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the following amendments were considered simultaneously and were adopted:

On page 3, line 23, after "(e)" insert "A finding by a court that a parent is a sexually violent predator as defined in section 904, chapter ---, Laws of 1990 (Engrossed Second Substitute Senate Bill No. 6259)."

Renumber the remaining subsections accordingly

On page 7, line 16, after "(e)" insert "A finding by a court that a parent is a sexually violent predator as defined in section 904, chapter ---, Laws of 1990 (Engrossed Second Substitute Senate Bill No. 6259)."

Renumber the remaining subsections accordingly

MOTION

On motion of Senator Smith, Engrossed Second Substitute Senate Bill No. 6538 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Smith, as you may recall, in the Ways and Means Committee, I raised the question about whether or not when we speak in terms of a conviction under the bill that we're talking about the jury's finding and the judge's sentence or whether we're waiting until the whole-time period of the appeal of the offender goes forth. I'd like to make sure for the record, that we're just talking about the jury's determination and the judge's sentence and we're not going to wait that whole year or more period for these individuals before this kind of speedy termination of rights could occur."

Senator Smith: "The intent--that is the intent, Senator Talmadge, and I had felt that if I didn't reach that intent, I would certainly see an amendment from you. So, that is the intent of the measure."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6538.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6538 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman,

Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Benitz - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6538, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6610, by Senators Craswell, Rasmussen, Smith, Stratton, Johnson, Bailey, Smitherman and Anderson

Revising provisions for at-risk youth.

MOTIONS

On motion of Senator Smith, Second Substitute Senate Bill No. 6610 was substituted for Senate Bill No. 6610 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the following amendments were considered simultaneously and were adopted:

On page 10, after line 31, insert the following:

*NEW SECTION. Sec. 12. (1) When a proper at-risk youth petition is filed by a child's parent under RCW 13.32A.120 or 13.32A.150, the juvenile court shall:

- (a) Schedule a fact-finding hearing and notify the parent and the child of such date;
- (b) Notify the parent of the right to be represented by counsel at the parent's own expense;
- (c) Appoint legal counsel for the child;
- (d) Inform the child and his or her parent of the legal consequences of the court finding the child to be an at-risk youth; and
- (e) Notify the parent and the child of their rights to present evidence at the fact-finding hearing.

(2) Unless out-of-home placement of the child is otherwise authorized or required by law, the child shall reside in the home of his or her parent or in an alternative residential placement approved by the parent. Upon request by the parent, the court may enter a court order requiring the child to reside in the home of his or her parent or an alternative residential placement approved by the parent.

(3) If a child has been absent from the home of the parent for more than seventy-two consecutive hours without parental consent and the parent has made unsuccessful attempts to have the child return home, the parent may request law enforcement to take the child into custody and place the child in detention or in a crisis residential center licensed by the department and established pursuant to chapter 74.13 RCW. If the child is placed in detention, a review shall be held as provided in RCW 13.32A.065.

(4) If both an alternative residential placement petition and an at-risk youth petition have been filed with regard to the same child, the proceedings shall be consolidated for purposes of fact-finding. Pending a fact-finding hearing regarding the petition, the child may be placed, if not already placed, in an alternative residential placement as provided in RCW 13.32A.160 unless the court has previously entered an order requiring the child to reside in the home of his or her parent. The child or the parent may request a review of the child's placement including a review of any court order requiring the child to reside in the parent's home. At the review the court, in its discretion, may order the child placed in the parent's home or in an alternative residential placement pending the hearing."

Renumber the sections consecutively and correct internal references accordingly.

On page 16, after line 16, insert the following:

*NEW SECTION. Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 21. Section 13 of this act shall take effect only if section 12 of this act is found to be invalid or inoperative."

Renumber the sections consecutively and correct internal references accordingly.

On motion of Senator Vognild, the following title amendment was adopted:

On page 1, at the beginning of line 5 of the title, strike "and" and after "sections" on line 5 insert "; and providing a contingent effective date"

MOTIONS

On motion of Senator Smith, Engrossed Second Substitute Senate Bill No. 6610 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Murray: "Mr. President, I have some concerns with this bill and I'm trying to read through it quickly and understand. Perhaps somebody can respond to them. If this bill passes, the way I read it, it would essentially take DSHS out of the circle. If we do that I have a concern that no one will be funding the people's placement into the alternative residential placement centers. Perhaps the sponsor of that bill could answer that question. It seems to me if we take DSHS out of this circle--before they were subsidizing many of the placements--therefore who will be paying for the placements in each center?"

Senator Craswell: "Senator Murray, that was the original bill. The substitute version does not take DSHS out of the circle. It just allows the parents to petition the court and put the child into the DSHS Family Reconciliation Services. Mainly, that probably won't change that part of the law--I mean--probably that part of the law will still function and the main difference is that DSHS, through the courts, can assist them in keeping the child at home. Now, they can provide the services if they want, but it's a parent paid service, so there should be very little additional cost and I think we will have everybody working together this time."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6610.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6610 and the bill passed the Senate by the following vote: Yeas, 38; nays, 10; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Craswell, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Owen, Patrick, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 38.

Voting nay: Senators Conner, DeJarnatt, Fleming, Kreidler, Moore, Niemi, Patterson, Rinehart, Talmadge, Williams - 10.

Excused: Senator Benitz - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6610, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Craswell assumed the Chair.

SECOND READING

SENATE BILL NO. 6814, by Senator Smith

Concerning dependency proceedings and termination of parental rights.

MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 6814 was substituted for Senate Bill No. 6814 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, Substitute Senate Bill No. 6814 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6814.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6814 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Voting nay: Senators Rinehart, Talmadge - 2.

Excused: Senator Benitz - 1.

SUBSTITUTE SENATE BILL NO. 6814, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the Chair.

SECOND READING

SENATE BILL NO. 6475, by Senators Anderson, Craswell, Wojahn, Bailey and West

Pertaining to day care providers.

MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 6475 was substituted for Senate Bill No. 6475 and the substitute bill was placed on second reading and read the second time.

Senator Rinehart moved that the following amendment be adopted:

On page 3, line 28, after "advertise," insert "does not receive pay."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Rinehart on page 3, line 28, to Substitute Senate Bill No. 6475.

The motion by Senator Rinehart failed and the amendment was not adopted.

MOTION

On motion of Senator Smith, Substitute Senate Bill No. 6475 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Murray: "Senator Anderson, I think that the intent of this is really good. I just have a question on the definition of 'one family.' I'm concerned that 'one family'--I have six brothers and sisters and if all of their kids got together in one room, we'd have twenty-four kids. Does this mean two parents or one parent and their children or does it extend throughout that whole definition?"

Senator Anderson: "Senator Murray, 'one family' is a relative and your concern about six brothers and sisters getting together and caring for one family, if that's the choice of the parent and they are comfortable with the arrangement, that arrangement between families--and everybody's comfortable--I think that the state has no role in stepping into that."

POINT OF INQUIRY

Senator Rinehart: "Senator Anderson, is there any limit on the number of children who might be involved in this kind of an arrangement?"

Senator Anderson: "No."

Senator Rinehart: "There is no limit and--"

Senator Anderson: "As many as a family could have, I guess, that's how many a family could arrange for."

Senator Rinehart: "So, there's no limit on the number of children? If I might ask one further question. Did you actually give us a definition of 'family?'"

Senator Anderson: "No, I did not."

Senator Rinehart: "Is there a definition of family? As I read it, one person could bring three of their children, three of their neighbor's children, three of the children down the street, and if the provider didn't advertise, you could have an unlimited number of children receiving unregulated care."

Senator Anderson: "Senator Rinehart, this recommendation came from the FIP Child Care Initiative Steering Committee. The intent was to make it easier for one family to make arrangements with another family for their child care."

Further debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Smith, I guess I'm something at a loss, because I've been reading the bill--the existing language--and on page two, line seventeen through the bottom of the page, it talks about people who are already exempt from the law. It already exempts from the definition of agency for purposes of registration, persons related by blood or marriage to the child, etc.; persons who are legal guardians; persons who care for a neighbor's or friend's child or children, with or without compensation, where the person does not engage in such activity on a regular basis, or where parents on a mutually cooperative basis exchange care of one another's children, etc. What is this language intending to accomplish beyond that which is already exempted under the existing law?"

Senator Smith: "Thank you, Senator Talmadge, it is a very good question. The exemption that says on a regular basis has been determined to mean that if you get compensation on a regular basis whether it be every Saturday night while the parents go bowling or whether it be daily, that they would have to come under the licensing and when finding those people that are baby sitting on a regular basis, they are considering them to have to be compensated or have to be licensed."

Further debate ensued.

POINT OF INQUIRY

Senator Vognild: "Senator Smith, the bill apparently does not properly define 'families.' Was it your intent that the definition of 'one family' be the immediate children of the family involved?"

Senator Smith: "Yes."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6475.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6475 and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senators Moore, Murray, Rinehart, Talmadge - 4.

Excused: Senator Benitz - 1.

SUBSTITUTE SENATE BILL NO. 6475, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Craswell assumed the Chair.

SECOND READING

SENATE BILL NO. 5545, by Senators Smitherman and Saling

Establishing the state board for vocational education.

MOTIONS

On motion of Senator Saling, Substitute Senate Bill No. 5545 was substituted for Senate Bill No. 5545 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Saling, the following amendment was adopted:

On page 1, line 26, after "responsibilities," insert "The board may also delegate by interagency agreement its responsibilities under the Washington award for vocational excellence program to any existing state agency, board or council."

On motion of Senator Saling, the following title amendment was adopted:

On page 2, line 12, after "July 1," strike "1991" and insert "1992"

MOTION

On motion of Senator Saling, Engrossed Substitute Senate Bill No. 5545 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5545.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5545 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Voting nay: Senator Rinehart - 1.

Excused: Senator Benitz - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5545, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6216, by Senators Saling, Gaspard, Bauer, Patterson, Patrick, Conner and Rinehart (by request of State Board for Community College Education)

Creating the Washington community college exceptional faculty awards program.

MOTIONS

On motion of Senator Saling, Second Substitute Senate Bill No. 6216 was substituted for Senate Bill No. 6216 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Saling, the following amendment was adopted:

On page 2, line 9, after "sources" insert ", except that in the initial year of the program, no college may receive more than one grant until every college has received one grant"

On motion of Senator Saling, the following amendments were considered simultaneously and were adopted:

On page 3, line 3, after "award;" strike "to pay salaries for his or her assistants;"

On page 3, after line 6, insert the following:

NEW SECTION. Sec. 5. The process for determining local awards shall be subject to collective bargaining. Decisions regarding the amounts of individual awards and who receives them shall not be subject to collective bargaining and shall be subject to approval of the applicable community college board of trustees.

NEW SECTION. Sec. 6. A new section is added to chapter 28B.52 RCW to read as follows:

With respect to the community college faculty awards trust program, the permissible scope of collective bargaining under this chapter shall be governed by section 5 of this act."

Renumber the remaining sections consecutively.

On motion of Senator Saling, the following amendment was adopted:

On page 3, line 7, strike "4" and insert "5"

On motion of Senator Saling, the following title amendment was adopted:

On page 1, line 2 of the title, after "program:" insert "adding a new section to chapter 28B.52 RCW:"

MOTION

On motion of Senator Saling, Engrossed Second Substitute Senate Bill No. 6216 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6216.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6216 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Benitz - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6216, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

MOTION

On motion of Senator Bender, Senator DeJarnatt was excused.

SECOND READING

SENATE JOINT RESOLUTION NO. 8212, by Senators Lee, Williams and Fleming

Amending the Constitution to allow property devoted to low-income housing to be taxed based on its current use value.

MOTIONS

On motion of Senator Lee, Second Substitute Senate Joint Resolution No. 8212 was substituted for Senate Joint Resolution No. 8212 and the second substitute joint resolution was placed on second reading and read the second time.

Senator Williams moved that the following amendment by Senators Williams, Wojahn and Talmadge be adopted:

On page 1, line 13, after "beauty" strike or (c) and insert , (c) of historic properties, or (d)

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Williams, Wojahn and Talmadge on page 1, line 13, to Second Substitute Senate Joint Resolution No. 8212.

The motion by Senator Williams carried and the amendment was adopted on a rising vote.

MOTION

On motion of Senator Lee, Engrossed Second Substitute Senate Joint Resolution No. 8212 was advanced to third reading, the second reading considered the third, and the joint resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Joint Resolution No. 8212.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Joint Resolution No. 8212 and the joint resolution failed to pass the Senate by the following vote: Yeas, 28; nays, 18; absent, 1; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Conner, Fleming, Gaspard, Hansen, Kreidler, Lee, Madsen, McMullen, Metcalf, Murray, Newhouse, Niemi, Owen, Patrick, Patterson, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, von Reichbauer, Warnke, Williams, Wojahn - 28.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, Craswell, Hayner, Johnson, Matson, McCaslin, McDonald, Nelson, Rasmussen, Saling, Sellar, Smith, Thorsness, Vognild, West - 18.

Absent: Senator Moore - 1.

Excused: Senators Benitz, DeJarnatt - 2.

ENGROSSED SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8212, having failed to receive the constitutional two-thirds majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Vognild served notice that he would move to reconsider the vote by which Engrossed Second Substitute Senate Joint Resolution No. 8212 failed to pass the Senate.

SECOND READING

SENATE BILL NO. 6038, by Senators Matson, Vognild, Sellar, Warnke and Newhouse

Establishing a search and rescue fund.

The bill was read the second time.

MOTION

On motion of Senator Nelson, Senate Bill No. 6038 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, what type of search and rescue is this going to be? Is it going to be all encompassing or is it going to just be those people that crash in an airplane up on a mountain or something?"

Senator McDonald: "No, I believe that--it says, 'incurred during search and rescue missions for licensed hunters, fishers and those who are contributing to the fund.'"

Senator Rasmussen: "We will only search then for those who have bought a hunting or fishing license or combination?"

Senator McDonald: "I suspect that we will search for all of them. Perhaps if we find them and they don't have a fishing license, we'll make them buy one, but I think we'll be out there looking for them."

Senator Rasmussen: "Let me ask a further question. It is my understanding that if they use a helicopter or other devices that they charge that cost to the person if they have the ability to pay."

Senator McDonald: "Could you repeat the question one more time, Senator Rasmussen?"

Senator Rasmussen: "Well, I'd have to go back to the main question. If the hunters and fishermen are going to pay the search and rescue for everybody, that's one thing. The other thing is I think that they charge back the cost on these search and rescues if the people have the ability to pay."

Senator McDonald: "I believe that is correct and they also will have a surcharge of twenty-five cents to hunting and fishing licenses, but they can also come back to the state for search and rescue missions that were exceptionally costly."

Senator Rasmussen: "There's no provision in the bill saying you'll charge it to the stupid people that are out there that get lost?"

Senator McDonald: "Well, I think that the agency--the department--can promulgate rules and regulations to recover funds. I think--"

Senator Rasmussen: "I wouldn't put you on the spot--I know you read your compass."

Senator McDonald: "Well, as a matter of fact, Senator Rasmussen, just for your information, I was one of those stupid people out stumbling around through the forest one night. Fortunately, I found my way out, but I sure as heck would have been willing to pay for a fishing license if somebody would have come up and got me, so I'll look forward to doing that."

Senator Rasmussen: "I don't know what you had at the camp fire, but you wouldn't get lost ordinarily."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6038.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6038 and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Bauer, Hansen, Rasmussen, Sutherland - 4.

Excused: Senators Benitz, DeJarnatt - 2.

SENATE BILL NO. 6038, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Bender, Senator Williams was excused.

On motion of Senator Smith, Senator Sellar was excused.

SECOND READING

SENATE BILL NO. 6329, by Senators Newhouse and Gaspard

Clarifying business and occupation taxation of travel charter and tour operators.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6329 was substituted for Senate Bill No. 6329 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, Substitute Senate Bill No. 6329 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6329.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6329 and the bill passed the Senate by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 43.

Absent: Senators Craswell, Hansen - 2.

Excused: Senators Benitz, DeJarnatt, Sellar, Williams - 4.

SUBSTITUTE SENATE BILL NO. 6329, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR RECONSIDERATION

Having served notice for reconsideration, Senator Vognild moved that the Senate now reconsider the vote by which Engrossed Second Substitute Senate Joint Resolution No. 8212 failed to pass the Senate earlier today.

The President declared the question before the Senate to be the motion by Senator Vognild that the Senate now reconsider the vote by which Engrossed Second Substitute Senate Joint Resolution No. 8212 failed to pass the Senate.

The motion for reconsideration of Engrossed Second Substitute Senate Joint Resolution No. 8212 carried.

MOTION

On motion of Senator Lee, Engrossed Second Substitute Senate Joint Resolution No. 8212 was returned to second reading and read the second time.

MOTION

Senator Lee moved that the Senate reconsider the vote by which the amendment by Senators Williams, Wojahn and Talmadge on page 1, line 13, was adopted.

Debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Engrossed Second Substitute Senate Joint Resolution No. 8212, on reconsideration, was deferred.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5547, by Committee on Health Care and Corrections (originally sponsored by Senators Smith and West)

Regarding payment of jail processing costs by criminal defendants.

The bill was read the second time.

MOTION

On motion of Senator Nelson, Substitute Senate Bill No. 5547 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5547.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5547 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 44.

Absent: Senator Matson - 1.

Excused: Senators Benitz, DeJarnatt, Sellar, Williams - 4.

SUBSTITUTE SENATE BILL NO. 5547, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6310, by Senators Metcalf, Owen, DeJarnatt, McMullen, Smith, Amondson, Anderson, Warnke, Thorsness, von Reichbauer and Rasmussen (by request of Department of Fisheries)

Providing a funding mechanism for regional fisheries enhancement groups.

MOTIONS

On motion of Senator Metcalf, Second Substitute Senate Bill No. 6310 was substituted for Senate Bill No. 6310 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, Second Substitute Senate Bill No. 6310 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Stratton: "Senator Metcalf, does this increase apply to all recreational fishermen or just the salmon?"

Senator Metcalf: "Salt water licenses which includes salmon."

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6310.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6310 and the bill passed the Senate by the following vote: Yeas, 35; nays, 8; absent, 2; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patrick, Saling, Smith, Smitherman, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Wojahn - 35.

Voting nay: Senators Amondson, Gaspard, Madsen, Nelson, Rasmussen, Rinehart, Stratton, Sutherland - 8.

Absent: Senators Matson, Patterson - 2.

Excused: Senators Benitz, DeJarnatt, Sellar, Williams - 4.

SECOND SUBSTITUTE SENATE BILL NO. 6310, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

Senator Newhouse moved that the Committee on Rules be relieved of the following bills and that those bill be placed on the second reading calendar:

SENATE BILL NO. 5554,
 SENATE BILL NO. 6182,
 SENATE BILL NO. 6252,
 SENATE BILL NO. 6350,
 SENATE BILL NO. 6381,
 SENATE BILL NO. 6388,
 SENATE BILL NO. 6399,
 SENATE BILL NO. 6588,
 SENATE BILL NO. 6654,
 SENATE BILL NO. 6657,
 SENATE BILL NO. 6740,
 SENATE BILL NO. 6746,
 SENATE BILL NO. 6832.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse to relieve the Committee on Rules of the above listed bills and to place those bills on the second reading calendar.

The motion by Senator Newhouse carried and SENATE BILL NO. 5554, SENATE BILL NO. 6182, SENATE BILL NO. 6252, SENATE BILL NO. 6350, SENATE BILL NO. 6381, SENATE BILL NO. 6388, SENATE BILL NO. 6399, SENATE BILL NO. 6588, SENATE BILL NO. 6654, SENATE BILL NO. 6657, SENATE BILL NO. 6740, SENATE BILL NO. 6746 and SENATE BILL NO. 6832 were referred from the Committee on Rules to the second reading calendar.

SECOND READING

SENATE BILL NO. 6230, by Senator Talmadge

Authorizing funds for grants to preserve historic community theaters.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6230 was substituted for Senate Bill No. 6230 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, Substitute Senate Bill No. 6230 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Anderson, Senators Matson and Patterson were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6230.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6230 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Benitz, DeJarnatt, Matson, Patterson, Sellar - 5.

SUBSTITUTE SENATE BILL NO. 6230, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5835, by Committee on Energy and Utilities (originally sponsored by Senators Benitz and Rasmussen)

Creating an energy information program for local school district use.

MOTIONS

On motion of Senator Nelson, Second Substitute Senate Bill No. 5835 was substituted for Engrossed Substitute Senate Bill No. 5835 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, Second Substitute Senate Bill No. 5835 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Anderson, Senators Johnson, Lee and Smith were excused.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5835.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5835 and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Excused: Senators Benitz, DeJarnatt, Johnson, Lee, Matson, Sellar, Smith - 7.

SECOND SUBSTITUTE SENATE BILL NO. 5835, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6495, by Senators Patrick, Rasmussen and Metcalf

Protecting recreational landowners from suit.

The bill was read the second time.

MOTION

On motion of Senator Nelson, Senate Bill No. 6495 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6495.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6495 and the bill passed the Senate by the following vote: Yeas, 30; nays, 13; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Fleming, Hansen, Hayner, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smitherman, Stratton, Thorsness, Vognild, von Reichbauer, Warnke, West - 30.

Voting nay: Senators Bender, Gaspard, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Rinehart, Sutherland, Talmadge, Williams, Wojahn - 13.

Excused: Senators Benitz, DeJarnatt, Johnson, Lee, Matson, Smith - 6.

SENATE BILL NO. 6495, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5845, by Senators Bailey, Metcalf, DeJarnatt, Owen, Thorsness, Smitherman, Bauer and McMullen

Increasing steelhead trout production.

MOTIONS

On motion of Senator Metcalf, Second Substitute Senate Bill No. 5845 was substituted for Senate Bill No. 5845 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, Second Substitute Senate Bill No. 5845 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Metcalf, is this going to make it possible for Hershel and all his relatives to have increased steelhead to feed on? I agree with Senator Bailey, it's nice for the kids to catch them. I'm not so much in favor of Hershel."

Senator Metcalf: "This will increase steelhead production. We hope we can solve the Hershel problem separately."

Senator Rasmussen: "Well, we live in hope."

Senator Metcalf: "We hope that we can do both."

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5845.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5845 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Benitz, DeJarnatt, Johnson, Lee, Matson - 5.

SECOND SUBSTITUTE SENATE BILL NO. 5845, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6839, by Senator Barr

Providing for protection of the Kettle River.

The bill was read the second time.

MOTION

Senator Barr moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 27, after "the sum of" insert "thirty thousand dollars"
 On page 2, line 4, after "to" and before "percent" insert "ten"

POINT OF INQUIRY

Senator Stratton: "Senator Barr, if we pass this and it all happens, will you help us pass a Shoreline Management Act in Stevens County to protect this investment?"

Senator Barr: "Will you repeat that? You got into the Shoreline Management Act and I'm not sure that is any intention of--"

Senator Stratton: "My question is, would you help us enforce the Shoreline Management Act in Stevens County to help us protect all of our waters?"

Senator Barr: "Well, why not?"

The President declared the question before the Senate to be the adoption of the amendments by Senator Barr on page 1, line 27, and page 2, line 4, to Senate Bill No. 6839.

The motion by Senator Barr carried and the amendments were adopted.

MOTION

On motion of Senator Metcalf, Engrossed Senate Bill No. 6839 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Bender, Senators Fleming and Talmadge were excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6839.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6839 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Excused: Senators Benitz, DeJarnatt, Fleming, Lee, Matson, Talmadge - 6.

ENGROSSED SENATE BILL NO. 6839, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6224, by Senators Bailey, Bender, Lee, Gaspard, Murray, Talmadge and Craswell (by request of Superintendent of Public Instruction)

Allowing the SPI to withhold basic education moneys from school districts owing repayment of moneys to the federal government.

The bill was read the second time.

MOTION

On motion of Senator Bailey, Senate Bill No. 6224 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6224.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6224 and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Bluechel Barr, Bender, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognilid, von Reichbauer, West, Williams, Wojahn - 41.

Voting nay: Senators Bauer, Warnke - 2.

Excused: Senators Benitz, DeJarnatt, Fleming, Lee, Matson, Talmadge - 6.

SENATE BILL NO. 6224, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:24 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Tuesday, February 13, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

THIRTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 13, 1990

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Benitz, Cantu, Craswell, Fleming, Johnson and McDonald. On motion of Senator Anderson, Senators Amondson, Benitz, Cantu and Johnson were excused. On motion of Senator Bender, Senator Fleming was excused.

The Sergeant at Arms Color Guard, consisting of Pages Kathy Baldwin and Sandra Yarnell, presented the Colors. Reverend Robert Schiefer, pastor of the Olympia Seventh-Day Adventist Church, offered the prayer.

MOTION

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

REPORT OF STANDING COMMITTEE

February 12, 1990

EHB 2561 Prime Sponsor, Representative P. King: Changing provisions relating to replevin. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Niemi, Patrick, Rinehart, Thorsness.

Referred to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 12, 1990

Mr. President:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 2208,

SUBSTITUTE HOUSE BILL NO. 2385,

HOUSE BILL NO. 2395,

SUBSTITUTE HOUSE BILL NO. 2426,

HOUSE BILL NO. 2435,

SUBSTITUTE HOUSE BILL NO. 2455,

SUBSTITUTE HOUSE BILL NO. 2476,

HOUSE BILL NO. 2488,

HOUSE BILL NO. 2615,

SUBSTITUTE HOUSE BILL NO. 2644,

SUBSTITUTE BILL NO. 2708,

SUBSTITUTE HOUSE BILL NO. 2726,

SUBSTITUTE HOUSE BILL NO. 2783,

SUBSTITUTE HOUSE BILL NO. 2819,

SUBSTITUTE HOUSE BILL NO. 2827,

HOUSE BILL NO. 2840,

SUBSTITUTE HOUSE BILL NO. 2915, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 12, 1990

Mr. President:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 2154,

SUBSTITUTE HOUSE BILL NO. 2251,

HOUSE BILL NO. 2262,

SUBSTITUTE HOUSE BILL NO. 2267,

HOUSE BILL NO. 2341,
 HOUSE BILL NO. 2346,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2348,
 HOUSE BILL NO. 2399,
 HOUSE BILL NO. 2401,
 HOUSE BILL NO. 2438,
 ENGROSSED HOUSE BILL NO. 2441,
 HOUSE BILL NO. 2461,
 HOUSE BILL NO. 2633,
 HOUSE BILL NO. 2689,
 HOUSE BILL NO. 2698,
 HOUSE BILL NO. 2715,
 SUBSTITUTE HOUSE BILL NO. 2772,
 HOUSE BILL NO. 2808,
 SUBSTITUTE HOUSE BILL NO. 2887,
 HOUSE BILL NO. 2890,
 SUBSTITUTE HOUSE BILL NO. 2921,
 SUBSTITUTE HOUSE BILL NO. 2933,
 SUBSTITUTE HOUSE BILL NO. 2952,
 SUBSTITUTE HOUSE BILL NO. 2956,
 SECOND SUBSTITUTE HOUSE BILL NO. 2986,
 HOUSE BILL NO. 2989,
 SUBSTITUTE HOUSE BILL NO. 3006,
 HOUSE JOINT MEMORIAL NO. 4030, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 12, 1990

Mr. President:

The House has adopted SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4429, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 2154 by Committee on Judiciary (originally sponsored by Representatives Belcher, Dellwo, Hargrove, Locke and H. Myers)

Regarding retirement benefits.

Referred to Committee on Ways and Means.

2SHB 2208 by Committee on Appropriations (originally sponsored by Representatives Fraser, Belcher and Jacobsen)

Establishing the Washington wildlife rescue coalition.

Referred to Committee on Environment and Natural Resources.

SHB 2251 by Committee on Judiciary (originally sponsored by Representatives Dellwo, Winsley, Rector, Betrozoff, K. Wilson, Inslee, D. Sommers, McLean and Brumsickle)

Regulating vehicle transfers of ownership.

Referred to Committee on Financial Institutions and Insurance.

HB 2262 by Representative Walker

Compensating bailee's for services rendered for unclaimed property.

Referred to Committee on Law and Justice.

SHB 2267 by Committee on Fisheries and Wildlife (originally sponsored by Representatives R. King, Bowman, Haugen, Morris, Sayan, Brumsickle, Vekich, Basich, Raiter, Brooks, Spanel, Smith,

Jacobsen, May, S. Wilson, R. Meyers, McLean, Holland, Jones and Kremen) (by request of Department of Fisheries)

- Providing a funding mechanism for regional fisheries enhancement groups.
- Referred to Committee on Environment and Natural Resources.

HB 2341 by Representatives R. Meyers, Schmidt, Zellinsky, Jones, Rector, Baugher, Hargrove, Basich, Jesernig, Winsley, Schoon and Kirby

Creating a felony for tampering with fire fighting equipment with the intent to commit a felony.

Referred to Committee on Law and Justice.

HB 2346 by Representatives Jacobsen, Appelwick, Jones and Prentice

Adding submarine veterans of World War II to the list of organizations represented on the veterans affairs advisory committee.

Referred to Committee on Governmental Operations.

E2SHB 2348 by Committee on Appropriations (originally sponsored by Representatives Rector, Schoon, Cantwell, Prince, Doty, Pruitt, Rayburn, R. Meyers, Dorn, Jones, Wineberry, Kremen, Todd, Winsley, Walker, Wang, Cooper, Brough, H. Myers, Rasmussen and Phillips) (by request of Governor Gardner)

Establishing an employment training program.

Referred to Committee on Economic Development and Labor.

SHB 2385 by Committee on Human Services (originally sponsored by Representatives Sayan, Moyer and Winsley) (by request of Department of Social and Health Services)

Making technical changes to alcohol and drug treatment laws.

Referred to Committee on Health and Long-Term Care.

HB 2395 by Representatives Anderson, Brooks, Braddock, Moyer, Locke, Prentice, Jacobsen, Scott and Wineberry

Regarding reimbursement of nursing homes authorized to meet the needs of people with AIDS.

Referred to Committee on Health and Long-Term Care.

HB 2399 by Representatives Baugher, McLean, Kirby, Brumsickle, Todd, D. Sommers, Brooks, Kremen, Inslee, Gallagher, Vekich and K. Wilson

Amending raffle provisions.

Referred to Committee on Economic Development and Labor.

HB 2401 by Representatives Grant, Brooks, Cantwell and Doty

Increasing limits for associate development organization expenditures.

Referred to Committee on Economic Development and Labor.

SHB 2426 by Committee on Commerce and Labor (originally sponsored by Representatives Vekich, Walker, Chandler and Winsley) (by request of Employment Security Department)

Revising provisions for employer contributions for unemployment compensation.

Referred to Committee on Economic Development and Labor.

HB 2435 by Representatives Nutley, Vekich and Walker

Authorizing continuing education requirements for land surveyors.

Referred to Committee on Economic Development and Labor.

- HB 2438 by Representatives Sprenkle, Holland, Jacobsen, Anderson, Valle, Miller and Ferguson
 Providing reimbursement to state library employees injured while working in state correctional institutions and offices.
 Referred to Committee on Law and Justice.
- EHB 2441 by Representatives Jacobsen, Miller, Rector, Van Luven, Dellwo, Spanel, Anderson, Pruitt, Wood, Doty and Ferguson
 Convening a task force on disabled students in higher education.
 Referred to Committee on Higher Education.
- SHB 2455 by Committee on Local Government (originally sponsored by Representatives Locke, Silver, H. Sommers, Miller, Pruitt, Rector, Phillips, O'Brien and Ferguson)
 Authorizing local governments to establish public corporations to finance non-profit corporations.
 Referred to Committee on Ways and Means.
- HB 2461 by Representatives Van Luven, Heavey, Schmidt, Prentice, Haugen, Fraser, Brekke, Silver, May, Miller and P. King
 Prohibiting the sale by public agencies of emergency vehicle equipment that may not be lawfully used.
 Referred to Committee on Transportation.
- SHB 2476 by Committee on Capital Facilities and Financing (originally sponsored by Representatives Horn, Haugen, Nutley, Ferguson and May)
 Establishing a formula for allocating the indebtedness incurred by certain lessees.
 Referred to Committee on Ways and Means.
- HB 2488 by Representatives Rector, Miller, Wood, Jacobsen, Fraser, Prince, Jesernig, S. Wilson, Wineberry, Jones, Dellwo, H. Myers, Inslee and Brekke
 Providing assistance to single parents in higher education.
 Referred to Committee on Higher Education.
- HB 2615 by Representatives Dellwo, Chandler, Nutley, Zellinsky, Inslee and Anderson
 Excluding commercial paper from "personal property" held by a pawnbroker or second-hand dealer.
 Referred to Committee on Financial Institutions and Insurance.
- HB 2633 by Representatives Appelwick, P. King and Valle
 Amending the uniform commercial code.
 Referred to Committee on Law and Justice.
- SHB 2644 by Committee on Appropriations (originally sponsored by Representatives Silver, Hine, Sayan, McLean, D. Sommers, H. Sommers, Peery and Spanel) (by request of Joint Committee on Pension Policy)
 Revising provisions relating to retirement systems.
 Referred to Committee on Ways and Means.
- HB 2689 by Representatives Vekich, Cole and Prentice
 Requiring registration or licensure of labor relations consultants.
 Referred to Committee on Economic Development and Labor.

- HB 2698 by Representatives Jones, Wolfe, Walker, Prentice, Rector and Cole
Revising provisions for the reopening of industrial insurance claims.
Referred to Committee on Economic Development and Labor.
- SHB 2708 by Committee on Local Government (originally sponsored by Representatives Haugen, Rayburn, Cooper, Ferguson, Jones, McLean, Braddock and R. Meyers)
Authorizing public utility districts to perform sewer inspections.
Referred to Committee on Governmental Operations.
- HB 2715 by Representatives Vekich, Smith and R. King (by request of Department of Licensing)
Pertaining to the registration of engineers.
Referred to Committee on Economic Development and Labor.
- SHB 2726 by Committee on Capital Facilities and Financing (originally sponsored by Representatives Schoon, Cantwell, Brumsickle, Moyer, Raiter, H. Myers, Hargrove, Smith, Nealey, Peery and Cooper)
Raising the debt funding limitation for certain port districts.
Referred to Committee on Ways and Means.
- SHB 2772 by Committee on Commerce and Labor (originally sponsored by Representatives Vekich and Walker) (by request of Employment Security Department)
Revising provisions for disqualification from unemployment compensation benefits.
Referred to Committee on Economic Development and Labor.
- SHB 2783 by Committee on Transportation (originally sponsored by Representatives Kremen, Schmidt, Hine, R. Fisher, Anderson, Braddock, Holland, Winsley, Jones, P. King, O'Brien, Dellwo, Zellinsky, Heavey, Rayburn, Silver, Betrozoff, Todd and G. Fisher) (by request of Department of Licensing)
Authorizing special license plates and emblems.
Referred to Committee on Transportation.
- HB 2808 by Representatives H. Myers and Appelwick
Changing the requirements for appointing court commissioners.
Referred to Committee on Law and Justice.
- SHB 2819 by Committee on Human Services (originally sponsored by Representatives Brekke, Hargrove, Padden, Sayan, Jones, Tate, Valle, Prentice, Rayburn, Day, P. King, May, Winsley, Leonard, Walker, Scott, H. Myers, Rector, Cooper, Rasmussen and Van Luven)
Creating a children's ombuds.
Referred to Committee on Children and Family Services.
- SHB 2827 by Committee on Judiciary (originally sponsored by Representatives Spanel, Brough, Appelwick, Locke, Belcher, Schmidt, Scott, Hine, Wineberry and Wood)
Providing for compensatory maintenance and for wage garnishment of maintenance orders.
Referred to Committee on Law and Justice.

- HB 2840** by Representatives R. Fisher, Schmidt and R. Meyers
 Creating the position of executive director of the county road administration board.
 Referred to Committee on Transportation.
- SHB 2887** by Committee on Judiciary (originally sponsored by Representatives Appelwick, P. King, May and Wood)
 Concerning modifying parenting plans.
 Referred to Committee on Law and Justice.
- HB 2890** by Representative Belcher
 Changing provisions relating to payment of deferred compensation.
 Referred to Committee on Ways and Means.
- SHB 2915** by Committee on Higher Education (originally sponsored by Representatives Jacobsen, Spanel, Van Luven, Peery and Valle)
 Changing provisions relating to vocational education.
 Referred to Committee on Higher Education.
- SHB 2921** by Committee on Trade and Economic Development (originally sponsored by Representatives Inslee, Doty, Baugher, Rayburn, Hargrove and Vekich)
 Establishing an industrial growth demonstration pilot project in Yakima county.
 Referred to Committee on Economic Development and Labor.
- SHB 2933** by Committee on Local Government (originally sponsored by Representatives Ferguson, Haugen and Crane)
 Studying local government self insurance pools.
 Referred to Committee on Governmental Operations.
- SHB 2952** by Committee on Appropriations (originally sponsored by Representatives Kremen, McLean, Nealey, Baugher, Hine, Rayburn and Jacobsen)
 Extending the organic food certification program to packing sheds and wholesale distributors.
 Referred to Committee on Agriculture.
- SHB 2956** by Committee on Energy and Utilities (originally sponsored by Representatives Nelson, Miller, Jesernig, Sprenkle, May, Grant, Cooper, Hankins, Dellwo, Baugher, R. Meyers, Rust, Brooks, Holland, Appelwick, Moyer, Ballard, Prince, Bennett, Dorn, Jacobsen, Valle, Crane, Brumsickle, Ebersole, Fuhrman, Van Luven, Horn, Rector and Silver) (by request of Office of Financial Management)
 Revising provisions for the management of low-level radioactive waste.
 Referred to Committee on Energy and Utilities.
- 2SHB 2986** by Committee on Appropriations (originally sponsored by Representative Appelwick)
 Making technical corrections to the alcohol and controlled substances abuse act.
 Referred to Committee on Ways and Means.
- HB 2989** by Representatives Peery and R. Fisher
 Delaying required registration for freight brokers and forwarders.
 Referred to Committee on Transportation.

SHB 3006 by Committee on Appropriations (originally sponsored by Representatives Wineberry, Appelwick, Locke, Anderson, Nelson and Spanel)

Creating the minority justice commission.

Referred to Committee on Law and Justice.

HJM 4030 by Representatives D. Sommers, Dellwo, Moyer, Silver, Rector, Schmidt, R. Fisher, R. Meyers, Fuhrman, Baugher, Prince, Nealey, Rayburn, Ferguson, Hankins, Doty, Forner, Beck, S. Wilson, Wolfe, Tate, Van Luven, Padden and Brough

Requesting that the new Division Street Bridge in Spokane be named the Sam Guess Memorial Bridge.

Referred to Committee on Transportation.

SHCR 4429 by Committee on Energy and Utilities (originally sponsored by Representatives H. Myers, Miller, Nelson, Hankins, Cooper, Beck, Raiter, G. Fisher, Phillips, Belcher, D. Sommers, Jacobsen, Anderson, Pruitt, Rector, Wood, Dellwo, R. King, Ferguson, P. King and Todd)

Creating a joint select committee on seismic events.

Referred to Committee on Energy and Utilities.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9174, Marietta Kilmer, as a member of the Board of Trustees for Peninsula Community College District No. 1, was confirmed.

APPOINTMENT OF MARIETTA KILMER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; absent, 2; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Conner, DeJarnatt, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senators Craswell, McDonald - 2.

Excused: Senators Amondson, Benitz, Cantu, Fleming, Johnson - 5.

MOTION

On motion of Senator Anderson, Senators Craswell and McDonald were excused.

SECOND READING

SENATE BILL NO. 6213, by Senators West and Rasmussen

Revising provisions for reimbursement to department of social and health services employees for costs related to assaults.

The bill was read the second time.

MOTION

On motion of Senator West, Senate Bill No. 6213 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6213.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6213 and the bill passed the Senate by the following vote: Yeas, 42; absent, 1; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Conner, DeJarnatt, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senator Smith - 1.

Excused: Senators Benitz, Cantu, Craswell, Fleming, Johnson, McDonald - 6.

SENATE BILL NO. 6213, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6390, by Senators Nelson, Talmadge and Newhouse

Modifying marital deduction provisions regarding qualified domestic trusts.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6390 was substituted for Senate Bill No. 6390 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, Substitute Senate Bill No. 6390 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6390.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6390 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Benitz, Cantu, Fleming, McDonald - 4.

SUBSTITUTE SENATE BILL NO. 6390, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6446, by Senators Benitz, Madsen, Patrick, Kreidler, Sutherland and Barr

Revising provisions for public water systems.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6446 was substituted for Senate Bill No. 6446 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, Substitute Senate Bill No. 6446 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6446.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6446 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson,

McCasin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Benitz, Cantu, Fleming, McDonald - 4.

SUBSTITUTE SENATE BILL NO. 6446, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6447, by Senators Benitz, Madsen, Patrick, Sutherland and Barr

Regarding failing public water systems.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6447 was substituted for Senate Bill No. 6447 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, Substitute Senate Bill No. 6447 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6447.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6447 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCasin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Benitz, Fleming - 2.

SUBSTITUTE SENATE BILL NO. 6447, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6459, by Senators Patrick, DeJarnatt, Nelson and Rasmussen

Establishing a state recording officer.

MOTIONS

On motion of Senator McCasin, Substitute Senate Bill No. 6459 was substituted for Senate Bill No. 6459 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCasin, Substitute Senate Bill No. 6459 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6459.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6459 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCasin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Benitz, Fleming - 2.

SUBSTITUTE SENATE BILL NO. 6459, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McMullen, Senator Vognild was excused.

SECOND READING

SENATE BILL NO. 6464, by Senators Patrick, Vognild, West, Rasmussen and Wojahn

Exempting law enforcement officers from commercial driver's license requirements.

The bill was read the second time.

MOTION

On motion of Senator Patterson, Senate Bill No. 6464 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6464.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6464 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Benitz, Fleming, Vognild - 3.

SENATE BILL NO. 6464, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6608, by Senators Nelson, McMullen, Patrick, Smitherman and Madsen

Pertaining to enforcement of traffic violations.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6608 was substituted for Senate Bill No. 6608 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the following amendment was adopted:

On page 1, line 6, strike all of section 1, through page 2, line 32, and insert the following:

*Sec. 1. Section 46.64.020, chapter 12, Laws of 1961 as last amended by section 1, chapter 38, Laws of 1988 and RCW 46.64.020 are each amended to read as follows:

(1) The legislature finds that:

(a) Traffic laws are necessary for the safe and expeditious flow of motor vehicle traffic.

(b) For traffic laws to be effective, they must be judiciously and fairly enforced. This enforcement includes the issuance of notices of infraction and citations and the assessment of fines and penalties.

(c) The adjudication of notices of infraction through a written and signed promise to respond, and of citations through a written and signed promise to appear, as provided in this title is an integral and important part of the traffic law system.

(d) Approximately twenty percent of all people issued notices of infraction and citations violate their written and signed promise to respond or appear and obtain notices of failure to respond or appear on their driving records. Through their actions, these people are destroying the effectiveness of the traffic law system and undermining the department of licensing regulatory control of drivers' licenses.

(e) Notices of failure to respond or appear accumulated on a person's driving record shall be considered if they were issued after July 25, 1987.

(2) Any person violating his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of traffic infraction, as provided in this title, is guilty of a misdemeanor regardless of the disposition of the charge upon which he or she was originally arrested or the disposition of the notice of infraction: PROVIDED, That a written promise to appear in court or a written promise to respond to a notice of traffic infraction may be complied with by an appearance by counsel: PROVIDED FURTHER, That a person charged under RCW 46.20.021 with driving with an expired driver's license may respond by mailing to the court within fifteen days of the violation, a copy of the person's currently valid driver's license. Any person who has been issued a notice of infraction pursuant to RCW 46.63.030(3) and who fails to respond as provided in this title is guilty of a misdemeanor regardless of the disposition of the notice of infraction.

(3) Any person who drives a motor vehicle within the state and has accumulated two or more notices of failure to appear or respond on his or her driving record maintained by the department of licensing in any five-year period as a result of noncompliance with the traffic ((infraction)) laws in any jurisdiction or court within Washington, or in any jurisdiction or court within other states which are signatories with Washington in a nonresident violator compact or reciprocal agreement under chapter 46.23 RCW, shall be guilty of failure to comply, a gross misdemeanor. A person is not subject to this subsection for failure to pay a fine for any pedestrian, bicycling, or parking offense.

Probable cause for arrest under this subsection is established by the officer obtaining, orally or in writing, information from the department of licensing that two or more notices of failure to appear or respond are on the person's driving record. For purposes of this chapter, failure to satisfy any penalties imposed under this title is considered equivalent to failure to appear or respond.

Venue for prosecution shall be in the court with jurisdiction in the area of apprehension."

On motion of Senator Nelson, the following amendment was adopted:

On page 6, line 18, strike all of section 6, renumber the remaining sections, and correct internal references accordingly.

MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:

On line 2 of the title, after "46.20.342," strike "46.20.416."

On motion of Senator Nelson, Engrossed Substitute Senate Bill No. 6608 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6608.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6608 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Benitz, Fleming, Vognlid - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6608, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6625, by Senators von Reichbauer, Smitherman and Johnson

Prohibiting young men from receiving financial aid unless they have registered with selective service.

MOTIONS

On motion of Senator Saling, Substitute Senate Bill No. 6625 was substituted for Senate Bill No. 6625 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Saling, Substitute Senate Bill No. 6625 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6625.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6625 and the bill passed the Senate by the following vote: Yeas, 37; nays, 9; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Warnke, West, Wojahn - 37.

Voting nay: Senators DeJarnatt, Kreidler, Madsen, Moore, Murray, Niemi, Rinehart, Talmadge, Williams - 9.

Excused: Senators Benitz, Fleming, Vognild - 3.

SUBSTITUTE SENATE BILL NO. 6625, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6669, by Senators Lee, McMullen and Murray (by request of Department of Labor and Industries)

Revising provisions for industrial insurance coverage of maritime occupations.

The bill was read the second time.

MOTION

On motion of Senator Lee, Senate Bill No. 6669 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6669.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6669 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, Williams, Wojahn - 45.

Absent: Senator West - 1.

Excused: Senators Benitz, Fleming, Vognild - 3.

SENATE BILL NO. 6669, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6672, by Senators Nelson and Talmadge (by request of Parks and Recreation Commission)

Limiting liability of the parks and recreation commission for unintentional injuries on lands administered for winter recreation purposes.

The bill was read the second time.

MOTION

On motion of Senator Nelson, Senate Bill No. 6672 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6672.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6672 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Benitz, Vognild - 2.

SENATE BILL NO. 6672, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8018, by Senators Conner, Rasmussen and Saling

Requesting congress to pass legislation concerning taxation of pensions.

The joint memorial was read the second time.

MOTION

On motion of Senator Nelson, Senate Joint Memorial No. 8018 was advanced to third reading, the second reading considered the third, and the joint memorial was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Anderson, Senator Matson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8018.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8018 and the joint memorial passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Benitz, Matson, Vognild - 3.

SENATE JOINT MEMORIAL NO. 8018, having received the constitutional majority, was declared passed.

SECOND READING

SENATE JOINT MEMORIAL NO. 8025, by Senators von Reichbauer, Moore, Sutherland, Fleming and Gaspard

Petitioning Congress to support the earthquake project.

The joint memorial was read the second time.

MOTION

On motion of Senator von Reichbauer, Senate Joint Memorial No. 8025 was advanced to third reading, the second reading considered the third, and the joint memorial was placed on final passage.

Debate ensued.

MOTION

On motion of Senator von Reichbauer, Senators desiring to be included as sponsors of Senate Joint Memorial No. 8025 should notify the Secretary of the Senate.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8025.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8025 and the joint memorial passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rhinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Matson, Vognild - 2.

SENATE JOINT MEMORIAL NO. 8025, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6402, by Senators West, Niemi and Conner (by request of Department of Health)

Continuing the board of pharmacy and modifying licensures.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 6402 was substituted for Senate Bill No. 6402 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, Substitute Senate Bill No. 6402 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6402.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6402 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rhinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Matson - 1.

SUBSTITUTE SENATE BILL NO. 6402, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6866, by Senator Barr

Changing fee amount for research for field and turf grass seed production.

The bill was read the second time.

MOTION

On motion of Senator Barr, Senate Bill No. 6866 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6866.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6866 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi,

Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Rinehart - 1.

Excused: Senator Matson - 1.

SENATE BILL NO. 6866, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5882, by Senator Nelson

Establishing definitions and revising penalties for reckless, negligent, and inattentive driving.

MOTIONS

On motion of Senator Nelson, Second Substitute Senate Bill No. 5882 was substituted for Senate Bill No. 5882 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the following amendment was adopted:

On page 1, line 12, after "than" strike "one" and insert "five"

MOTION

On motion of Senator Nelson, Engrossed Second Substitute Senate Bill No. 5882 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Niemi: "I was looking at the summary, Senator Nelson, and I am dealing with the negligent driving portion of it and now I'm looking at the second substitute and we have then deleted 'not punishable by imprisonment,' so negligent driving is now punishable by imprisonment? Is negligent driving now punishable by imprisonment? Am I looking at the right thing? I'm looking at the Second Substitute Senate Bill No. 5882 in our books, page two of it, line seven."

Senator Nelson: "That is correct. Now, you will have negligent driving as an option and can be punished by imprisonment, which it is not today. Yes, for a maximum, not exceeding ninety days, and by a fine, not exceeding one thousand dollars."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5882.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5882 and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Wojahn - 42.

Voting nay: Senators Conner, Hansen, Niemi, Patterson, West, Williams - 6.

Excused: Senator Matson - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5882, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6381, by Senators von Reichbauer, Moore, Johnson and Rasmussen (by request of Insurance Commissioner)

Changing multiple insurance statutes.

MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 6381 was substituted for Senate Bill No. 6381 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, Substitute Senate Bill No. 6381 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6381.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6381 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Matson - 1.

SUBSTITUTE SENATE BILL NO. 6381, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUEST

The President introduced the Honorable United States Senator, Brock Adams, who was seated on the rostrum.

With permission of the Senate, business was suspended to permit Senator Adams to address the Senate.

SECOND READING

SENATE BILL NO. 6388, by Senators von Reichbauer, Moore, Johnson and Rasmussen (by request of Insurance Commissioner)

Regarding the cancellation of insurance.

The bill was read the second time.

MOTION

On motion of Senator von Reichbauer, Senate Bill No. 6388 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6388.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6388 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Cantu - 1.

Excused: Senator Matson - 1.

SENATE BILL NO. 6388, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6399, by Senators Barr, Hansen, Bluechel, Warnke, Johnson, Lee and Bailey

Requiring employer compliance with the office of support enforcement.

The bill was read the second time.

MOTION

On motion of Senator Nelson, Senate Bill No. 6399 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6399.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6399 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Melcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

SENATE BILL NO. 6399, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6832, by Senators Nelson, Talmadge, Niemi and Rasmussen

Authorizing a study of the state's juvenile rehabilitation system.

MOTIONS

On motion of Senator Nelson, Second Substitute Senate Bill No. 6832 was substituted for Senate Bill No. 6832 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, Second Substitute Senate Bill No. 6832 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6832.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6832 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Melcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

SECOND SUBSTITUTE SENATE BILL NO. 6832, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5554, by Senators Patterson, Hansen, Madsen and Benitz (by request of Utilities and Transportation Commission)

Providing for testing of railroad track scales.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5554 was substituted for Senate Bill No. 5554 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, Substitute Senate Bill No. 5554 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Vognild: "Senator Patterson, I apparently do not have this bill in my bill book, at least I can't locate it in the bill book, but looking at the digest, it says, 'The responsibility for providing facilities to test track scales and all costs of the program are apportioned among all track scale owners benefiting from the test facilities.' My concern is, does that pass on otherwise unknown costs to the shippers, particularly when you are dealing with bulk, be it bulk grain or wheat or something like that? Could you, somehow incur costs that you didn't anticipate when you made the shipping contract?"

Senator Patterson: "Well, that is not my understanding, Senator, that there are any hidden costs or charges. Currently, there is a pro-ratio. The railroads only own about six of some thirty some testing facilities and they currently pro-rate those charges and, to my knowledge, the transfer of the function from one agency to the other will not impact the charges for the shipper. That is the way I understand it."

Senator Vognild: "I guess, Senator, what bothers me was that there was such a small number that were owned, if the department required others to be put in place, who has to pay for them? That is where my concern was."

Senator Patterson: "It is not contemplated that there will be a requirement for additional scales to be put in place. Maybe Senator Hansen can respond to this. He is quite familiar with the operation."

REMARKS BY SENATOR HANSEN

Senator Hansen: "Thank you, Mr. President and ladies and gentlemen. The essence of this bill is to move the liability to the Department of Agriculture, which is responsible for the weights and measures in the state. The costs, I think, Senator Vognild, are assessed against the railroad, but assessed against the price of the commodities that they are hauling. That will pay for this weights and measures. Now, the UTCC isn't the weights and measures people, so we have the UTCC controlling something that the Department of Agriculture and weights and measures controls, so this is merely moving back to the Department of Agriculture and weights and measures to do the checking of these railroad scales into the right department."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5554.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5554 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Voting nay: Senator Vognild - 1.

Absent: Senators Benitz, Fleming - 2.

SUBSTITUTE SENATE BILL NO. 5554, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Craswell assumed the Chair.

SECOND READING

SENATE BILL NO. 6182, by Senators McCaslin, Madsen and Conner

Changing the ballot title for fire protection district service charge authorizations.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 6182 was substituted for Senate Bill No. 6182 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, Substitute Senate Bill No. 6182 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6182.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6182 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 6182, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6350, by Senators Smith and Hayner

Modifying acceptable proof of a corporation's nonresident status.

The bill was read the second time.

MOTION

On motion of Senator Smith, Senate Bill No. 6350 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6350.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6350 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Absent: Senator McDonald - 1.

SENATE BILL NO. 6350, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6588, by Senator Nelson

Defining when a live performance may be a moral nuisance.

The bill was read the second time.

MOTION

On motion of Senator Nelson, Senate Bill No. 6588 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6588.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6588 and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senators McCaslin, Rinehart - 2.

SENATE BILL NO. 6588, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6654, by Senators McDonald, Gaspard, Bluechel, Wojahn, Cantu, Hayner, Thorsness and Johnson

Authorizing local governments to establish public corporations to finance non-profit corporations.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Ways and Means amendment was adopted:

On page 8, line 13, after "directors," insert "All bonds issued under this chapter shall be reported to the department of community development pursuant to RCW 39.44.210 and 43.63A.155."

On motion of Senator Talmadge, the following amendments by Senators Talmadge and McDonald were considered simultaneously and were adopted:

On page 2, line 6, beginning with "operating" strike all material down to and including "United States." on line 8 and insert "described under section 501(c)(3) of the Internal Revenue Code or similar successor provisions."

On page 2, line 10, strike "a nonprofit purpose of the corporation;" and insert "any nonprofit activity described under section 501(c)(3) of the Internal Revenue Code that qualifies such a corporation for exemption from federal income taxes under section 501(a) of the Internal Revenue Code, or similar successor provisions;"

MOTION

On motion of Senator Bluechel, Engrossed Senate Bill No. 6654 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Smitherman: "Senator Talmadge, the way it is constructed now with this amendment, it seems to me that the only thing 501 (c) (3) could do is something that is related to its operations and that type of thing. Therefore, you would be saying they could do something like build a building for themselves. I would wonder how that would fit in with the idea of them having to levy the potential for paying off the facility, if it is just for an internal operation."

Senator Talmadge: "In response to your question, Senator Smitherman, I think this was language that was recommended to us by the staff of the Senate Ways and Means Committee. This would be for the purpose of the entity so, for an example, if it were a facility that was designed to provide services to children, they could build buildings that might be necessary to carry out that purpose. Say, for example, a group care facility or whatever. The concern would be that they would get a little bit expensive and to use the authority to issue bonds to build facilities other than those that were specifically necessary to the tax exempt purpose of the entity. That is why this is tied down the way it is."

Senator Smitherman: "I guess I wondered because some of the non-profit mentioned specifically in the bill--you have the ones that deal with housing and you've excused them. Does this intend to include CDOs as well? For example, they

might want to build a marketplace. Would they be included now with this amendment?"

Senator Talmadge: "It depends on what the stated corporate purpose of the enterprise was. If it was within the articles of incorporation of that entity and had been part of the basic purpose for which 501 (c)(3) tax exempt status had been conferred, it would be possible to use the bonds for that purpose."

Further debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6654.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6654 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 48.

Absent: Senator West - 1.

ENGROSSED SENATE BILL NO. 6654, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6657, by Senators Nelson, Talmadge, McCaslin, Thorsness, Madsen and Niemi

Revising criteria for setting the number of district court judges in each electoral district.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6657 was substituted for Senate Bill No. 6657 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, Substitute Senate Bill No. 6657 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Bender, Senator Warnke was excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6657.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6657 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Warnke - 1.

SUBSTITUTE SENATE BILL NO. 6657, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6746, by Senators Patrick, Madsen, Patterson, Nelson, Sutherland and Murray

Simplifying disposal of abandoned junk vehicles.

The bill was read the second time.

MOTIONS

On motion of Senator Patrick, the following amendment was adopted:

On page 2, after line 19, insert the following:

***NEW SECTION, Sec. 2.** A new section is added to chapter 46.55 RCW to read as follows:

A person complying in good faith with the requirements of RCW 46.55.230 shall be immune from any liability arising out of any action taken or omission made in such compliance."

On motion of Senator Patrick, the following title amendment was adopted:

On page 1, line 1 of the title, after "vehicles;" strike the remainder of the title and insert "amending RCW 46.55.230; and adding a new section to chapter 46.55 RCW."

MOTION

On motion of Senator Patterson, Engrossed Senate Bill No. 6746 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6746.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6746 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senator Sellar - 1.

Absent: Senator Matson - 1.

Excused: Senator Warnke - 1.

ENGROSSED SENATE BILL NO. 6746, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6754, by Senator Nelson

Perfecting certain security interests upon recording.

The bill was read the second time.

MOTION

On motion of Senator Nelson, Senate Bill No. 6754 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6754.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6754 and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senators Niemi, Rinehart, Talmadge - 3.

Excused: Senator Warnke - 1.

SENATE BILL NO. 6754, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:59 a.m., on motion of Senator Newhouse, the Senate recessed until 1:30 p.m.

The Senate was called to order at 2:20 p.m. by President Pritchard.

SECOND READING

SENATE JOINT MEMORIAL NO. 8009, by Senators Sutherland, Metcalf, Owen and DeJarnatt (by request of Joint Select Committee on Marine and Ocean Resources)

Requesting congress to amend the outer continental shelf lands act.

The joint memorial was read the second time.

MOTION

On motion of Senator Metcalf, Senate Joint Memorial No. 8009 was advanced to third reading, the second reading considered the third, and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8009.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8009 and the joint memorial passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senators Hayner, Talmadge - 2.

SENATE JOINT MEMORIAL NO. 8009, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

February 13, 1989

Due to an unavoidable court date, I missed the vote on Senate Joint Memorial No. 8009. I would have voted 'aye.'

SENATOR PHIL TALMADGE, 34th District

SECOND READING

SENATE BILL NO. 6874, by Senators Benitz, West, Anderson and Bluechel

Modifying property tax deferrals and exemptions.

The bill was read the second time.

MOTION

Senator Gaspard moved that the following amendments be considered simultaneously and be adopted:

On page 4, line 9, after "property" insert ", up to a total of five acres,"

On page 4, line 31, after "acreage" insert ", not to exceed five acres,"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Gaspard on page 4, lines 9 and 31, to Senate Bill No. 6874.

The motion by Senator Gaspard carried and the amendments were adopted.

MOTION

On motion of Senator McDonald, Engrossed Senate Bill No. 6874 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6874.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6874 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

ENGROSSED SENATE BILL NO. 6874, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6834, by Senators Sellar, Conner, West, McDonald and Bauer
Establishing a basic health care plan for small business employees.

MOTIONS

On motion of Senator McDonald, Second Substitute Senate Bill No. 6834 was substituted for Senate Bill No. 6834 and the second substitute bill was placed on second reading and read the second time.

Debate ensued.

MOTION TO RECONSIDER

Senator West moved that the Senate reconsider the vote by which Second Substitute Senate Bill No. 6834 was substituted.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator McCaslin: "A point of parliamentary inquiry, Mr. President. My point is this, Mr. President. Are we debating the motion to reconsider or are we debating Senate Bill No. 6834? Are we debating Second Substitute Senate Bill No. 6834 or listening to the history of Senator Kreidler's legislative experience?"

REPLY BY THE PRESIDENT

President Pritchard: "The question is shall the Senate reconsider the motion whereby the Second Substitute was substituted."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator West to reconsider the vote by which Second Substitute Senate Bill No. 6834 was substituted.

The motion by Senator West carried and the Senate will reconsider the vote by which Second Substitute Senate Bill No. 6834 was substituted.

MOTION

Senator West moved that Senate Bill No. 6834 not be substituted.

The President declared the question before the Senate to be the motion by Senator West that Senate Bill No. 6834 not be substituted.

The motion by Senator West carried and Senate Bill No. 6834 was not substituted.

Senate Bill No. 6834 was read the second time.

MOTIONS

On motion of Senator Smitherman, the following amendments by Senators Smitherman and West were considered simultaneously and were adopted:

On page 1, line 16, after "than" strike "one hundred" and insert "twenty-five"

On page 2, line 5, after "than" strike "one hundred" and insert "twenty-five"

On page 2, line 21, after "than" strike "one hundred" and insert "twenty-five"

Senator Fleming moved that the following amendments be considered simultaneously and be adopted:

On page 2, after line 1, insert the following:

"The policy authorized by this section shall not supplant or supersede any existing policy for the benefit of employees in this state. Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein."

On page 2, after line 17, insert the following:

"The policy authorized by this section shall not supplant or supersede any existing policy for the benefit of employees in this state. Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein."

On page 2, after line 32, insert the following:

"The policy authorized by this section shall not supplant or supersede any existing policy for the benefit of employees in this state. Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Fleming on page 2, after line 1, after line 17, and after line 32, to Senate Bill No. 6834.

The motion by Senator Fleming carried and the amendments were adopted.

MOTION

On motion of Senator West, Engrossed Senate Bill No. 6834 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator West, the one question I had about this bill. With Senator Fleming's amendment in the bill, it would preclude someone from altering a health insurance policy that presently existed with respect to a group of employees--twenty-five employees or less. There would be no ability to impair the right to collectively bargain. Is there anything, in your judgment, in this legislation that would preclude an employer at the time of the next renewal of the policy from deciding to eliminate whatever policy that employer had at that time which may provide for all of these mandated benefits and go to this level of coverage? In other words, to drop down at the time of the renewal of the policy?"

Senator West: "Senator Talmadge, the real world is employers do that today, but the result is that they go to zero. This would give them an opportunity to go someplace above zero, because frankly there are employers out there with rising costs of health care insurance, that when it comes to renewal time, they call their employees in--it is tough to do--the sad thing to do and they look at their employees and they say, 'Guys, I only got so much money in the till and I haven't got enough to buy your health care this time around.'"

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6834.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6834 and the bill passed the Senate by the following vote: Yeas, 43; nays, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, Warnke, West, Williams - 43.

Voting nay: Senators Conner, Kreidler, Niemi, Talmadge, von Reichbauer, Wojahn - 6.

ENGROSSED SENATE BILL NO. 6834, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6148, by Senators Nelson and McCaslin

Requiring an attorneys' certificate of merit.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6148 was substituted for Senate Bill No. 6148 and the substitute bill was placed on second reading and read the second time.

Senator Talmadge moved that the following amendment by Senators Talmadge and McMullen be adopted:

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

"(4) Prior to filing a civil action for which a certificate is required under this section, the court upon motion shall authorize discovery pursuant to the rules of civil procedure for the purpose of enabling compliance with subsection (2) of this section. The statute of limitations shall be tolled during the period of discovery authorized by the court."

Re-number remaining subsections consecutively.

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Talmadge and McMullen on page 2, after line 3, to Substitute Senate Bill No. 6148.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vogndild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patrick, Patterson, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 26.

MOTION

On motion of Senator Nelson, Substitute Senate Bill No. 6148 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6148.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6148 and the bill passed the Senate by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hansen, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patrick, Patterson, Saling, Sellar, Smith, Stratton, Thorsness, West - 27.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Rasmussen, Rinehart, Smitherman, Sutherland, Talmadge, Vogndild, von Reichbauer, Warnke, Williams, Wojahn - 22.

SUBSTITUTE SENATE BILL NO. 6148, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Second Substitute Senate Joint Resolution No. 8212, deferred on second reading, February 12, 1990, after the Senate reconsidered the vote by which Engrossed Second Substitute Joint Resolution failed to pass the Senate and Senator Lee had moved to reconsider the vote by which the amendment by Senators Williams, Wojahn and Talmadge on page 1, line 13, was adopted.

MOTION

On motion of Senator Williams, and there being no objection, the amendment by Senators Williams, Wojahn and Talmadge on page 1, line 13, was withdrawn.

MOTION

On motion of Senator Lee, Second Substitute Senate Joint Resolution No. 8212, on reconsideration, was advanced to third reading, the second reading considered the third, and the joint resolution was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Does this require five or more units?"

Senator Lee: "Senator Rasmussen, yes, and that would be part of the constitutional amendment. In order to qualify, it would have to have at least five or more units to be considered low-income housing. It does not apply to an individual home or duplex or triplex."

Senator Rasmussen: "If I had two or three homes and I desired to provide for low-income housing, I would not be permitted to do so and get a tax credit?"

Senator Lee: "Not unless it was part of a total comprehensive development. For example, a low-income mobile home park would qualify, because it is under one ownership and in that case it would."

Senator Rasmussen: "If I had very valuable property that sits in the middle of--say Sixth and Pike or Broadway or whatever--and it had five units, I could get this tax exemption?"

Senator Lee: "Only if it was all devoted to low-income housing. You couldn't have five little apartments up on the sixth floor and everything else devoted--"

Senator Rasmussen: "If I want to hold that property for ten years and it was increasing in value during that ten years, it still maintains that low value of taxes? If I was at Broad and Wall in New York, I could hold my property right in the middle of very valuable million dollar property for ten years and then sell it at the increased value under this proposal?"

Senator Lee: "The proposal we have before us doesn't address that question at all, Senator Rasmussen. However, the implementing bill does address it and I can answer that question probably more properly when we come to that measure."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Joint Resolution No. 8212, on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Joint Resolution No. 8212, on reconsideration, and the joint resolution passed the Senate by the following vote: Yeas, 46; nays, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Voting nay: Senators Amondson, McCaslin, Rasmussen - 3.

SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8212, on reconsideration, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5550, by Senators Lee, Williams and Fleming

Providing a procedure for the classification and valuation of property devoted primarily to low-income housing.

MOTIONS

On motion of Senator Lee, Third Substitute Senate Bill No. 5550 was substituted for Senate Bill No. 5550 and the third substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, Third Substitute Senate Bill No. 5550 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Madsen: "Senator Lee, I am a supporter of this concept of current use and always have been, but I would like to ask you how does this work? On page four, it deals with the mobile home park. If I buy five acres and create spaces with pads and bring the water in and etc, but I own no mobile homes and fifty people move in, five of which are low-income, can I get the current use assessment on my land?"

Senator Lee: "No."

Senator Madsen: "But where does it say I can't do that?"

Senator Lee: "It says that the mobile home park is devoted to low-income housing and that is on line twenty-eight."

Senator Madsen: "If everyone in the mobile home park are senior citizens--in my area--military kids that are low-income--do I just hang a shingle out and say that I am low-income now and I have five people who are low-income--they own the homes, but I own the land and I want the current use applied to the land?"

Senator Lee: "The mobile home park, itself, has to be devoted to that kind of housing."

Senator Madsen: "How is that done? I guess the question is, do I just hang out a shingle? If I hang a shingle out and say, 'This is a low-income park,' then am I a low-income park?"

Senator Lee: "No, it is up to--there are two persons who determine whether or not that advertising that you are putting out is true or false. One is the local government; it has to have given you that designation in the first place. You have to go in and apply for it and you have to satisfy the local county or city that, indeed, that is the kind of park that you are running, before you can hang out such a sign. Secondly, the determination of what is low-income is made according to a state standard, so you could just not hang out a sign, because you want to. You have to have approval from your local government to satisfy them."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Lee, does this cover 208 housing--federal housing?"

Senator Lee: "I'm not familiar enough with those--"

Senator Rasmussen: "Subsidized--"

Senator Lee: "I'm not familiar enough with those regulations to be able to tell you."

Senator Rasmussen: "You've already said that the constitutional amendment does not cover individual housing and I think that is my problem. We have a large number of people that have one or two houses and are renting to low-income people. They do not have the benefit of getting this tax exemption and I would hope that the House would take a look at both the constitutional amendment and I know that there are a large number of people that have section 208 houses that are rent-subsidized for low-income and they would not be covered under this. The House should make the change in that--cover it under the constitutional amendment and also in the bill, so that you give equal treatment and equal rights to those people that want to provide low income housing and they are not going to get it under either one of these proposals the way they are now."

Further debate ensued.

POINT OF INQUIRY

Senator McCaslin: "Senator Madsen, is a mobile home a building?"

Senator Madsen: "Well, a mobile home really is personal property, so it is not considered real property except when you are trying to apply the senior citizen exemption, which only applies to real property and we jerry-rigged the law so it can apply to personal property."

Senator McCaslin: "Have they jerry-rigged it enough so that we will now not count that as personal property, but as real property attached to the land?"

Senator Madsen: "As far as I know, mobile homes will be personal property."

The President declared the question before the Senate to be the roll call on the final passage of Third Substitute Senate Bill No. 5550.

ROLL CALL

The Secretary called the roll on the final passage of Third Substitute Senate Bill No. 5550 and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senators Amondson, Barr, Benitz, McCaslin - 4.

THIRD SUBSTITUTE SENATE BILL NO. 5550, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6234, by Senators von Reichbauer, Smitherman, Saling and Gaspard

Changing safety requirements for colleges and universities.

MOTIONS

On motion of Senator Saling, Substitute Senate Bill No. 6234 was substituted for Senate Bill No. 6234 and the substitute bill was placed on second reading and read the second time.

Senator Kreidler moved that the following amendments by Senators Kreidler and Owen be considered simultaneously and be adopted:

On page 1, line 19, strike "The Evergreen State College."

On page 2, line 7, after "colleges," insert "and The Evergreen State College."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Kreidler and Owen on page 1, line 19, and page 2, line 7, to Substitute Senate Bill No. 6234.

The motion by Senator Kreidler failed and the amendments were not adopted.

MOTION

On motion of Senator von Reichbauer, Substitute Senate Bill No. 6234 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6234.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6234 and the bill passed the Senate by the following vote: Yeas, 39; nays, 10.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognilid, von Reichbauer, West - 39.

Voting nay: Senators Bluechel, DeJarnatt, Kreidler, Moore, Murray, Niemi, Talmadge, Warnke, Williams, Wojahn - 10.

SUBSTITUTE SENATE BILL NO. 6234, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER OF BUSINESS

On motion of Senator Newhouse, Senate Bill No. 6252 will be made a special order of business at 4:55 p.m.

SECOND READING

SENATE BILL NO. 6767, by Senators Niemi, Nelson, Talmadge, Newhouse and Rasmussen

Creating a juvenile justice review commission.

MOTIONS

On motion of Senator Nelson, Second Substitute Senate Bill No. 6767 was substituted for Senate Bill No. 6767 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Niemi, the following amendment by Senators Niemi and Nelson was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. In 1977, the legislature created an innovative and comprehensive juvenile justice system to establish special sanctions and procedures for juveniles who engage in criminal activity, while at the same time recognizing the existence and unique needs of dependent children. During the past thirteen years, the legislature has amended the juvenile justice act numerous times to improve its effectiveness in providing punishment and rehabilitation for juveniles who commit criminal acts, and also to improve the procedures and programs for assisting dependent children. While such amendments have generally improved the operation of the juvenile justice system, often the amendments did not address the juvenile justice system in a comprehensive manner to provide accountability, treatment, and rehabilitation.

The legislature finds and declares that it has been thirteen years since the enactment of the juvenile justice act, and it is appropriate and timely that a comprehensive study be conducted to review the sanctions, programs, and operation of the act in light of the changing needs of juveniles and society. The legislature finds that a commission should be created consisting of persons with experience and expertise in juvenile justice issues to ensure that the state of Washington continues to have a progressive and effective juvenile justice statute.

NEW SECTION. Sec. 2. (1) A juvenile justice act review commission is created. It shall consist of:

(a) Four legislators who shall serve on the executive committee, one from each of the two largest caucuses in the house of representatives and the senate. The members shall be selected by the president of the senate and the speaker of the house of representatives;

(b) Two superior court judges, who shall have experience in juvenile court proceedings. The members shall be selected from different geographical areas of the state by the Washington state superior court judges association;

(c) Two prosecuting attorneys, or their designees, selected from different geographical areas of the state by the Washington association of prosecuting attorneys;

(d) Two members, selected by the executive committee, one of whom shall represent cities and one of whom shall represent counties;

(e) One member, selected by the secretary of corrections, to represent the department of corrections, who shall be familiar with confinement and treatment of criminal offenders;

(f) One member, selected by the secretary of social and health services, to represent the department of social and health services, who has experience and training with the confinement and treatment services offered by the division of juvenile rehabilitation;

(g) Two juvenile court administrators, selected by the juvenile court administrators' association;

(h) One mental health specialist, selected by the executive committee, who shall be familiar with mental health issues commonly affecting juvenile offenders;

(i) Two attorneys, selected by the Washington state bar association, whose practice involves the representation of juvenile offenders. At least one member shall be an attorney who represents a public defender organization; and

(j) Two members, selected by the governor, to represent the governor, who shall serve on the executive committee.

(2) The legislative members shall select a chair from the membership of the commission.

(3) The commission shall be staffed by the department of social and health services.

(4) The commission members shall receive no compensation, but shall, to the extent funds are available, be reimbursed for their expenses while attending any meetings in the same manner as legislators engaged in interim committee business as specified in RCW 44.04.120.

(5) The commission may receive appropriations, grants, gifts, and other payments from any governmental or other public or private entity or person and such funds may be used to defray the costs of its operations or to contract for technical services, with the approval of the senate committee on facilities and operations and the house of representatives executive rules committee.

NEW SECTION. Sec. 3. (1) The juvenile justice act review commission shall conduct a comprehensive review of the juvenile justice act of 1977 and dependency provisions in chapter

13.34 RCW. In reviewing the juvenile justice system, the commission shall give particular attention to disposition alternatives, including but not limited to emphasis on early intervention, rehabilitation, community resources, and providing for special sanctions and programs for violent offenders who are sixteen and seventeen years of age.

(2) The legislature hereby reaffirms its intent that the overall goals and policies of the juvenile justice act of 1977 will continue to be followed and that any disposition alternatives or dependency provisions proposed by the commission will adhere to the following purposes:

- (a) Protect the citizenry from criminal behavior;
- (b) Make the juvenile offender accountable for his or her criminal behavior;
- (c) Provide punishment commensurate with the age, maturity level, crime, criminal history of the juvenile offender, and any other relevant considerations;
- (d) Provide necessary treatment, supervision, and custody for juvenile offenders;
- (e) Provide for the handling of juvenile offenders by communities whenever consistent with public safety;
- (f) Provide for restitution to victims of crime; and
- (g) Provide for a clear policy to determine what types of offenders shall receive punishment, treatment, or both.

NEW SECTION. Sec. 4. This act shall expire June 30, 1992.

NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void."

MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "justice," strike the remainder of the title and insert "creating new sections; and providing an expiration date."

On motion of Senator Nelson, Engrossed Second Substitute Senate Bill No. 6767 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6767.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6767 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6767, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6740, by Senator Matson

Regulating medical treatment under the industrial insurance retrospective rating program.

MOTION

Senator Lee moved that Senate Bill No. 6740 not be substituted.

The President declared the question before the Senate to be the motion by Senator Lee that Senate Bill No. 6740 not be substituted.

The motion by Senator Lee carried and Senate Bill No. 6740 was not substituted.

The bill was read the second time.

MOTION

Senator Sutherland moved that the following amendment be adopted:

On page 2, line 22 after "department," strike all material down to and including "court," on line 27, and insert "A medical examination requested by a retrospective rating program employer may only be conducted by a physician or physicians approved by the department."

No worker entitled to benefits or claiming benefits under this title shall be required to submit to a medical examination for the same injury more than four times within any two calendar year period or more than twice within any four month period as a result of any combination of requests from the department or retrospective rating program employer, except as approved by a hearing tribunal, or a court.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator McMullen, I've looked at Senator Sutherland's amendment and the first line of the amendment, the first underlined line, says 'A medical examination requested by retrospective rating program employer may only be conducted by a physician or physicians approved by the department.' My recollection is that an independent medical examination conducted by a panel, if it is a self insured employer, is something that the Department of Labor and Industries, presently approves. Is this new authority to the Department of Labor and Industries to approve individual physicians as well as panels in doing these kinds of examinations?"

Senator McMullen: "The idea is that, currently, independent medical examinations--individual physicians and the panels, which are a private-for profit group. The panels are an entrepreneur business, but the Department approves the physicians that are on those panels as well as the individual doctors that may be selected by the self-insured. We find that this is consistent with the same regulations that apply to self-insuring panels."

The President declared the question before the Senate to be the adoption of the amendment by Senator Sutherland on page 2, line 22, to Substitute Senate Bill No. 6740.

The motion by Senator Sutherland carried and the amendment was adopted.

MOTIONS

On motion of Senator McMullen, the following amendment was adopted:

On page 3, line 23, after "That" insert "at least one week prior to the scheduled examination, the worker has received written notice: (1) Of the date, time, and location of the examination, and (2) that any charges incurred for failure to appear will be deducted from future payments as a penalty for failure to appear without good cause: PROVIDED FURTHER, That"

On motion of Senator McMullen, the following amendment was adopted:

On page 3, line 28, after "section," insert "The worker shall not have "failed to appear" for the purposes of this section if the worker arrives within fifteen minutes after the scheduled time and the examination is not begun within two hours of the scheduled time."

POINT OF ORDER SPECIAL ORDER OF BUSINESS

Senator Newhouse: "Mr. President, I rise to a point of order. We have now reached the time of 4:55 p.m. for the Special Order of Business on Senate Bill No. 6252."

SECOND READING

SENATE BILL NO. 6252, by Senators Patterson, Murray, Wojahn, Barr, Bender and Conner

Enacting a moratorium on siting of hazardous waste disposal facilities.

The bill was read the second time.

MOTIONS

Senator Patterson moved that the following amendment by Senators Patterson, Hayner, Kreidler and Vognild be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that economic factors considered within the program for permitting the siting and operation of commercial off-site hazardous waste disposal facilities must not be elevated above human health and environmental quality concerns in the eventual siting of such facilities. It is therefore the intent of this act to review the potential siting of such facilities within the agricultural communities and direct the department of ecology to complete a review to determine the impact of such facilities to agricultural lands.

NEW SECTION. Sec. 2. A new section is added to chapter 70.105 RCW to read as follows:

(1) On or before November 1, 1990, the department shall submit a report to the legislature and governor which includes the following:

(a) An assessment of the risks that airborne contaminants from hazardous waste incineration facilities pose to nearby agricultural lands and their products;

(b) An assessment of the risks that the landfill disposal of the ash from such facilities pose to nearby agricultural lands and their products;

(c) An identification of general areas throughout all geographic regions of the state which may meet the siting criteria for hazardous waste disposal facilities adopted as required by RCW 70.105.210;

(d) An assessment of the origins and quantity of hazardous waste within Washington, Alaska, Oregon, and Idaho which are likely to be disposed at a facility located within Washington. Information pertaining to the origins and quantity of hazardous waste within the region shall be based on information from the Pacific Northwest Hazardous Waste Advisory Council;

(e) The assessment and report shall be based on a review of existing scientific studies and information. Such studies and information collected for assessment on or before June 15, 1990, shall be deemed as "existing scientific studies and information" for the purposes of this section. The assessment and report shall be based on the relative impact on existing background hazardous material levels; and

(f) If the department determines that the siting regulations adopted under RCW 70.105.210 meet the requirements of this subsection (1), then the regulations shall be reported to the legislature in lieu of the report required in this subsection (1).

(2) In preparing the report, the department shall form and incorporate the advice of an advisory committee with balanced representation geographically throughout the state, and which includes representatives of the following interests:

(a) Agriculture;

(b) Local government;

(c) Environmental organizations;

(d) Hazardous waste generators;

(e) Waste management industry, and

(f) The business community.

(3) The department shall also consult with recognized scientific authorities on the environmental and health impacts of the siting and operation of hazardous waste disposal facilities, and review the operational record of such facilities located in other states and countries."

Senator Hansen moved that the following amendment by Senators Hansen and Murray to the striking amendment be adopted:

On page 1, line 19, after "follows:" strike everything down through and including "countries," on page 2, line 26 and insert the following:

"The department shall not issue a permit for the siting and/or operation of a commercial off-site incineration facility to dispose of hazardous wastes on or within ten miles of any farm or agricultural lands, as defined in RCW 84.34.020."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hansen and Murray on page 1, line 19, to the striking amendment by Senators Patterson, Hayner, Kreidler and Vognilid.

The motion by Senator Hansen failed and the amendment to the amendment was not adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Patterson, Hayner, Kreidler and Vognilid to Senate Bill No. 6252.

Debate ensued.

The striking amendment to Senate Bill No. 6252 was adopted.

MOTIONS

On motion of Senator Patterson, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "to a" strike all material through and including "70.105-.240" on line 2 and insert "study of the impact of hazardous materials on agricultural lands"

On page 1, line 3 of the title, after "adding" strike "new sections" and insert "a new section"

On motion of Senator Patterson, Engrossed Senate Bill No. 6252 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Sutherland: "Senator Kreidler, with the adoption of the title amendments, you will note that it amended this title--the title of Senate Bill No. 6252, prior to the first semicolon in the bill. After reading both the original title, which is an act relating to a moratorium on siting and hazardous waste disposal facilities near agricultural lands, to the new adopted title which reads, 'an act related to a study of the impact of hazardous waste materials on agricultural land.' I believe that we have now changed the scope and title and object of that title. Is that your understanding?"

Senator Kreidler: "It is, Senator Sutherland."

Senator Sutherland: "I would like to put the body on notice that I will be submitting a letter of protest for the Journal. The reason that I am doing that is because I think it is dangerous practice in this body to be amending bills prior to the first semicolon. I want to give you an example. It could be an act relating to education, it could be an act relating to transportation when it was all done--or an act relating to hazardous incinerators that could end up being an act relating to any other kind of issue. I think it is poor practice to allow this kind of action to occur and I hope that this will not establish a precedent for the future. Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6252.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6252 and the bill passed the Senate by the following vote: Yeas, 46; nays, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Voting nay: Senators Barr, Matson, Niemi - 3.

ENGROSSED SENATE BILL NO. 6252, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE OF PROTEST

Pursuant to Rule 34, I protest the action of the Senate regarding Senate Bill No. 6252.

Senate Bill No. 6252 was originally 'an act relating to a moratorium on siting hazardous waste disposal facilities near agricultural lands.' However, following a striking amendment and title amendment adopted on the floor, the bill became, 'an act relating to a study of the impact of hazardous materials on agricultural lands.'

Arguably, these amendments changed the scope and object of the bill, but my protest is that changing the subject matter portion of titles sets a very dangerous precedent. This can and will lead to significant changes in the subject matter of bills if left unchecked. I am particularly concerned regarding substitute bills and the wholesale changes which are possible.

The purpose of the title is to call attention to the subject matter of the act so that anyone reading it may know what topic is being covered. This purpose is completely nullified if title amendments such as those allowed on Senate Bill No. 6252 are sanctioned.

I urge the Senate to prohibit subject matter title amendments in order to protect our process, to protect the public and to protect us from ourselves.

Sincerely,
DEAN SUTHERLAND, 17th District

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6740, which was being debated on second reading before the Senate went to the Special Order of Business.

MOTION

On motion of Senator Lee, Engrossed Senate Bill No. 6740 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6740.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6740 and the bill passed the Senate by the following vote: Yeas, 32; nays, 16; absent, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patrick, Patterson, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West - 32.

Voting nay: Senators Bauer, Bender, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, Madsen, Moore, Murray, Rasmussen, Rinehart, Talmadge, Wanke, Williams, Wojahn - 16.

Absent: Senator Niemi - 1.

ENGROSSED SENATE BILL NO. 6740, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:28 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Wednesday, February 14, 1990.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

THIRTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 14, 1990

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Fleming, McMullen, Stratton and Sutherland. On motion of Senator Warnke, Senators Fleming, McMullen and Sutherland were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jill Garlich and Paul Smith, presented the Colors. Reverend Robert Christiansen, pastor of the Olympia-Lacey Church of God, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

February 12, 1990

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 2072,

ENGROSSED HOUSE BILL NO. 2387,

ENGROSSED HOUSE BILL NO. 2413,

ENGROSSED HOUSE BILL NO. 2429,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2471,

ENGROSSED HOUSE BILL NO. 2473,

HOUSE BILL NO. 2485,

ENGROSSED HOUSE BILL NO. 2489,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2531,

ENGROSSED HOUSE BILL NO. 2626,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2709,

ENGROSSED HOUSE BILL NO. 2716,

ENGROSSED HOUSE BILL NO. 2763,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2774,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2809,

ENGROSSED HOUSE BILL NO. 2823,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2831,

ENGROSSED HOUSE BILL NO. 2850,

ENGROSSED HOUSE BILL NO. 2882,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2932,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2940,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3016, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6894 by Senators Patterson, von Reichbauer and Conner

AN ACT Relating to specialized transportation services; adding a new section to Title 47 RCW; creating a new section; making an appropriation; and providing an effective date.

Referred to Committee on Transportation.

SB 6895 by Senators Bender, Murray and Smitherman

AN ACT Relating to commercial promotional activities in schools; and adding new sections to Title 28A RCW.

Referred to Committee on Governmental Operations.

SB 6896 by Senators Rinehart and Bailey

AN ACT Relating to growth management and assessing impact fees for infrastructure development; amending RCW 82.02.020 and 58.17.110; adding a new section to chapter 36.32 RCW; and creating a new section.

Referred to Committee on Education.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 2072 by Committee on State Government (originally sponsored by Representatives Belcher, Anderson, Wineberry, Nelson, Locke, Leonard, Appelwick, Nutley, Cole, Jacobsen, Wang and R. King)

Adjusting the human rights commission's jurisdiction over specified types of discrimination.

Referred to Committee on Governmental Operations.

EHB 2387 by Representatives Bailard, R. Meyers, McLean and Hankins

Impounding abandoned vehicles within eight hours.

Referred to Committee on Transportation.

EHB 2413 by Representatives Wood, Rector, Locke, Prince, Ebersole, Dellwo, Miller, Anderson, Jacobsen, Peery, Wineberry, Day, Winsley, Brumsickle, Wolfe, P. King, Wang, Forner, Horn, Youngsman, May, Kremen and Ferguson

Including middle and junior high school students in the mathematics, engineering, and science achievement program.

Referred to Committee on Higher Education.

EHB 2429 by Representatives R. Meyers and Scott

Establishing penalties for attempts by vessel operators to elude pursuing law enforcement vessels.

Referred to Committee on Environment and Natural Resources.

E2SHB 2471 by Committee on Appropriations (originally sponsored by Representatives Cole, R. King, Walker, Scott, Anderson, Pruitt, Peery, Dorn, Rust, Basich, Nelson, G. Fisher, K. Wilson, Leonard, Prentice, Holland, Winsley, Wineberry, Phillips, P. King, Todd, Wang and Brekke)

Establishing a before and after school child care pilot program.

Referred to Committee on Education.

EHB 2473 by Representatives Rayburn, Smith, Nealey, Chandler, Baugher, Prince and Kirby

Revising provisions for the subdivision of land that is in whole or in part within an irrigation district and that has been previously platted by the United States.

Referred to Committee on Agriculture.

HB 2485 by Representatives Rector, Vekich, Prentice, Leonard, Jones and Dellwo

Qualifying as a self-insurer of industrial insurance.

Referred to Committee on Economic Development and Labor.

EHB 2489 by Representatives Rector, Miller, Jacobsen, Hankins, Spanel, Fraser, Wood, Heavey, Jesernig, Dellwo, S. Wilson, Prentice, Wineberry, Jones, Ferguson, H. Myers, Scott, Inslee and Brekke

Establishing the single parents in higher education assistance program.

Referred to Committee on Higher Education.

ESHB 2531 by Committee on Health Care (originally sponsored by Representatives Day, D. Sommers, Braddock, Rector and Dellwo) (by request of Department of Health)

Changing provisions relating to nursing home administration.

Referred to Committee on Health and Long-Term Care.

EHB 2626 by Representatives Wang, Betrozoff, Peery, Walker, Holland, G. Fisher, Ebersole, Rasmussen, Phillips, Horn, Pruitt, Dorn, Valle, Jones, K. Wilson, Cole, P. King, Brumsickle, Winsley, Rector, Ferguson, Nealey, Fraser, D. Sommers, Moyer and Spanel

Giving high school credit for high school courses taken in the seventh and eighth grades.

Referred to Committee on Education.

ESHB 2709 by Committee on Judiciary (originally sponsored by Representatives Crane and Appelwick)

Revising criteria for setting the number of district court judges in each electoral district.

Referred to Committee on Law and Justice.

EHB 2716 by Representatives Crane and S. Wilson

Making a person who overloads a truck a codefendant.

Referred to Committee on Transportation.

EHB 2763 by Representatives Locke and May

Refunding retirement contributions for certain judges.

Referred to Committee on Ways and Means.

E2SHB 2774 by Committee on Appropriations (originally sponsored by Representatives Rasmussen, Cantwell, Doty, Schoon, Rector, Jesernig, Moyer, Kirby, Wineberry, Raiter, G. Fisher, Tate, Youngsman, P. King, Ferguson, Winsley, Dorn, Betrozoff and Sayan)

Providing for economic impact studies of sports events.

Referred to Committee on Economic Development and Labor.

ESHB 2809 by Committee on Judiciary (originally sponsored by Representatives H. Myers, Brough, Jones, Tate, Rasmussen, Rector, Forner, Padden, D. Sommers, Cooper, Beck, Dorn, Holland, Morris, Wineberry, R. King, Day, Spanel, P. King, Raiter, Scott, Schoon, Pruitt, Fraser, G. Fisher, Basich, Bowman, Moyer, Dellwo, Peery, Ebersole, Zellinsky, Kremen, Vekich, Belcher, Kirby, Rayburn, May, Winsley, Brumsickle, Doty, Ferguson, Smith, Wolfe, Silver, Bennett, McLean, Todd, Leonard, Sprengle, Youngsman, Miller, Brekke, Jacobsen, Wood and Van Luven)

Allowing certain child abuse victims to testify through closed-circuit television.

Referred to Committee on Law and Justice.

EHB 2823 by Representatives Fraser, May, Nelson, Crane, Belcher, Phillips, Winsley and Scott

Providing for an enhanced 911 system.

Referred to Committee on Energy and Utilities.

ESHB 2831 by Committee on Higher Education (originally sponsored by Representatives Jacobsen, Van Luven, Ebersole, Kirby, Sayan, Rector, Anderson, Dellwo, Inslee, Prentice, Wang, Belcher, Sprengle,

Miller, Rayburn, Basich, P. King, Crane, Wineberry, Winsley, Ferguson, Leonard and Wood)

Establishing the American Indian endowed scholarship program.

Referred to Committee on Higher Education.

EHB 2850 by Representatives Raiter, Doty, Cantwell, Rayburn and Wineberry

Revising provisions for the Washington economic development finance authority.

Referred to Committee on Economic Development and Labor.

EHB 2882 by Representatives R. Fisher and Schmidt

Authorizing the department of transportation to approve emergency contracts.

Referred to Committee on Transportation.

ESHB 2932 by Committee on Natural Resources and Parks (originally sponsored by Representatives K. Wilson, Miller, Baugher, Smith, Doty, Valle, Hine and R. Fisher)

Providing for regional water resource planning.

Referred to Committee on Agriculture.

ESHB 2940 by Committee on Transportation (originally sponsored by Representatives R. Meyers, S. Wilson and Zellinsky)

Pertaining to vehicle dealer documentary service fees.

Referred to Committee on Transportation.

ESHB 3016 by Committee on Appropriations (originally sponsored by Representatives H. Myers and Belcher)

Implementing provisions relating to reserved timbers.

Referred to Committee on Ways and Means.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9186, Asa Reed, as a member of the Board of Trustees for Lower Columbia Community College District No. 13, was confirmed.

Senator DeJarnatt spoke to the confirmation of Asa Reed as a member of the Board of Trustees for Lower Columbia Community College.

APPOINTMENT OF ASA REED

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senators Bender, Stratton - 2.

Excused: Senators Fleming, McMullen - 2.

MOTION

On motion of Senator Warnke, Senator Wojahn was excused.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the 1990 Washington State Apple Blossom royalty and appointed Senators Sellar, Hansen, Anderson, Owen and Thorsness to escort the honored guests to the Senate Rostrum.

The President introduced the Apple Blossom Queen, Jennifer Lynn Williams, and Princesses Anne Elizabeth Rowley and Tara Leigh Holliday.

With permission of the Senate, business was suspended to permit Queen Jennifer to address the Senate.

The committee escorted the special guests from the Senate Chamber and the committee was discharged.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9189, George H. Schweitzer, as a member of the Board of Trustees for Clark Community College District No. 14, was confirmed.

APPOINTMENT OF GEROGE H. SCHWEITZER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 47.

Excused: Senators Fleming, Wojahn - 2.

MOTION

On motion of Senator Newhouse, the following bills which were on the second reading consent calendar were referred to the Committee on Rules:

SENATE BILL NO. 5587,
 SENATE BILL NO. 5783,
 SENATE BILL NO. 6236,
 SENATE BILL NO. 6254,
 SENATE BILL NO. 6256,
 SENATE BILL NO. 6257,
 SENATE BILL NO. 6307,
 SENATE BILL NO. 6312,
 SENATE BILL NO. 6347,
 SENATE BILL NO. 6449,
 SENATE BILL NO. 6478,
 SENATE BILL NO. 6502,
 SENATE BILL NO. 6677,
 SENATE BILL NO. 6753,
 SENATE BILL NO. 6770,
 SENATE BILL NO. 6826,
 SENATE BILL NO. 6865,
 SENATE JOINT MEMORIAL NO. 8008,
 SENATE CONCURRENT RESOLUTION NO. 8429.

MOTION

At 10:25 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:20 a.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 6352, by Senators Bailey, Gaspard, Rinehart, Bender, Williams, Murray, Anderson, Conner, von Reichbauer, Lee and Bauer (by request of Superintendent of Public Instruction)

Establishing the fair start program.

POINT OF ORDER

Senator Vognild: "A point of order, Mr. President. In view of the 5 o'clock cut-off last night, is this bill properly before the body at this time?"

REPLY BY THE PRESIDENT

President Pritchard: "The President feels that this measure, because it would require a substantial appropriation, is probably necessary to implement the budget and feels this determination is consistent with the President's Rulings last session."

MOTIONS

On motion of Senator Bailey, Second Substitute Senate Bill No. 6352 was substituted for Senate Bill No. 6352 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Saling, the following amendments by Senators Saling and Bailey were considered simultaneously and were adopted:

On page 3, line 1, strike "(1)"

On page 3, beginning on line 6, strike all material through "." on line 7

On page 6, line 13, after "Sec. 9." strike all material through "." on line 15

MOTION

Senator Gaspard moved that the following amendment by Senators Gaspard and Rinehart be adopted:

Beginning on page 8, line 34, strike all of Sec. 17 and insert the following:

NEW SECTION. Sec. 17. The sum of ten million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the superintendent of public instruction to carry out the purposes of sections 2 through 12 of this act.

NEW SECTION. Sec. 18. The sum of seventy-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the superintendent of public instruction for the purposes of sections 13 and 15 of this act.

NEW SECTION. Sec. 19. The sum of seventy-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the state board of education to carry out the purposes of section 14 of this act."

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Gaspard and Rinehart on page 8, line 34, to Second Substitute Senate Bill No. 6352.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognlid, Warnke, Williams - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patrick, Patterson, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 25.

Excused: Senator Wojahn - 1.

MOTION

On motion of Senator Bailey, Engrossed Second Substitute Senate Bill No. 6352 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6352.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6352 and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senators Cantu, Hayner, McDonald, Stratton - 4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6352, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUEST

The President introduced Mr. Jim Hightower, an agricultural commissioner from the state of Texas, who was seated on the rostrum.

With permission of the Senate, business was suspended to permit Commissioner Hightower to address the Senate.

SECOND READING

SENATE BILL NO. 6337, by Senators Benitz, Bailey, Rinehart, Gaspard, Madsen, Owen, Anderson, von Reichbauer, Moore, Metcalf, Sutherland, Craswell, Murray, Newhouse, Bauer, McMullen, Vognild, Warnke, Johnson, Barr, Saling, Kreidler, Bender, Fleming, Talmadge, Conner and Lee

Changing provisions relating to technological and vocational education.

MOTIONS

On motion of Senator Bailey, Second Substitute Senate Bill No. 6337 was substituted for Senate Bill No. 6337 and the second substitute bill was placed on second reading and read the second time.

Senator Gaspard moved that the following amendment be adopted:

On page 13, beginning on line 34, strike all material through "void." on page 14, line 4, and insert the following:

NEW SECTION, Sec. 601. The sum of one million two hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the superintendent of public instruction for the purposes of the innovations in vocational education program for the twenty-first century under sections 101 through 111 of this act for the biennium ending June 30, 1991.

NEW SECTION, Sec. 602. The sum of four million five hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund for the biennium ending June 30, 1991, to the superintendent of public instruction for the purposes of section 201 of this act.

NEW SECTION, Sec. 603. The sum of six million fifty-seven thousand two hundred and two dollars, or as much thereof as may be necessary, is appropriated from the general fund for the biennium ending June 30, 1991, to the superintendent of public instruction for the purposes of purchasing equipment and for the nonemployee-related costs associated with the use of that equipment for vocational education programs developed in plans as provided in sections 301 through 303 of this act. Not more than ten percent of the funds may be used for the installation of the equipment and staff training in the use of the equipment. The funds shall be disbursed at a maximum rate of one hundred seventy dollars for each full-time equivalent student: PROVIDED, That a district shall not receive less than three thousand dollars.

NEW SECTION, Sec. 604. The sum of fifty thousand dollars, or so much thereof as may be necessary, is appropriated from the general fund for the remainder of the 1989-91 biennium to the governor to distribute to the entity in the state of Washington qualifying as the entity for the receipt of federal funds for the purpose of providing technical assistance to local vocational education advisory committees.

NEW SECTION, Sec. 605. (1) The sum of two million five hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund for the biennium ending June 30, 1991, to the superintendent of public instruction for the purposes of technology in education programs under section 401 of this act.

(2) The sum of one million five hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund for the biennium ending June 30, 1991, to the superintendent of public instruction for the purpose of providing grants for the innovative uses of technology through the process under RCW 28A.67.115.

NEW SECTION, Sec. 606. The sum of four million dollars, or as much thereof as may be necessary, is appropriated from the general fund for the biennium ending June 30, 1991, to the superintendent of public instruction for the purpose of allocating funds to school districts for extended contracts or supplemental contracts for certificated instructional staff in approved vocational education programs."

Debate ensued.

Senator Vognild demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Gaspard on page 13, beginning on line 34, to Second Substitute Senate Bill No. 6337.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patrick, Patterson, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 25.

MOTION

On motion of Senator Bailey, Second Substitute Senate Bill No. 6337 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6337.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6337 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

SECOND SUBSTITUTE SENATE BILL NO. 6337, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:08 p.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, February 15, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

THIRTY-NINTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 15, 1990

The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Kristina Lowery and Jennifer Leed, presented the Colors.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 14, 1990

HB 1035 Prime Sponsor, Representative Haugen: Providing additional qualifications for precinct election officers. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick.

Passed to Committee on Rules for second reading.

February 14, 1990

EHB 1223 Prime Sponsor, Representative R. Fisher: Removing the secretary of state from filing of interlocal cooperation agreements. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick.

Passed to Committee on Rules for second reading.

February 14, 1990

EHB 1226 Prime Sponsor, Representative R. Fisher: Requiring lists of electors and presidential candidates. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick.

Passed to Committee on Rules for second reading.

February 14, 1990

SHB 1264 Prime Sponsor, Committee on Local Government: Changing provisions relating to local registrars. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick.

Passed to Committee on Rules for second reading.

February 14, 1990

ReEHB 1433 Prime Sponsor, Representative Wineberry: Extending the voter registration period. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick.

Passed to Committee on Rules for second reading.

February 14, 1990

EHB 1491 Prime Sponsor, Representative Leonard: Redefining the role of the community action agency network. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vognild.

Passed to Committee on Rules for second reading.

February 14, 1990

HB 1570 Prime Sponsor, Representative R. Fisher: Changing election procedures in optional code cities. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick.

Passed to Committee on Rules for second reading.

February 14, 1990

EHB 1623 Prime Sponsor, Representative Belcher: Benefiting winter recreation activities of the state parks and recreation commission. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 14, 1990

EHB 1950 Prime Sponsor, Representative Valle: Investigating diesel-powered vehicle emission issues. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 14, 1990

HB 2262 Prime Sponsor, Representative Walker: Compensating bailee's for services rendered for unclaimed property. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Patrick, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 12, 1990

HB 2562 Prime Sponsor, Representative P. King: Updating the repeal of hospital commission statutes. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Vice Chairman; Niemi, Patrick, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 14, 1990

HB 2633 Prime Sponsor, Representative Appelwick: Amending the uniform commercial code. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Patrick, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 14, 1990

EHJR 4200 Prime Sponsor, Representative Haugen: Amending the Constitution to provide an alternative method for the framing of a county charter. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 6, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Dr. Leonard L. Heston, appointed February 6, 1990, for a term beginning March 1, 1990, and continuing concurrent with his position as Director of the Mental Illness Research and Training Institute as a member of the Eastern and Western State Hospital Advisory Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

February 6, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Karen A. Kelly, appointed February 6, 1990, for a term ending December 5, 1993, as a member of the Eastern State Hospital Advisory Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

February 6, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Kevin Kelly, appointed February 6, 1990, for a term ending December 5, 1992, as a member of the Eastern State Hospital Advisory Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

February 6, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Pam Lucas, appointed February 6, 1990, for a term ending December 5, 1991, as a member of the Eastern State Hospital Advisory Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

February 6, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

John Murphy, appointed February 6, 1990, for a term ending December 5, 1992, as a member of the Eastern State Hospital Advisory Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

February 6, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Averly Nelson, appointed February 6, 1990, for a term ending December 5, 1991, as a member of the Eastern State Hospital Advisory Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

February 6, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Thomas Roe, appointed February 6, 1990, for a term ending December 5, 1991, as a member of the Eastern State Hospital Advisory Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

February 6, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Jose R. Silvas, appointed February 6, 1990, for a term ending December 5, 1992, as a member of the Eastern State Hospital Advisory Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

February 6, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Michael G. South, appointed February 6, 1990, for a term ending December 5, 1991, as a member of the Eastern State Hospital Advisory Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

February 6, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

E. Dan Pederson, appointed February 6, 1990, for a term ending December 5, 1993 as a member of the Eastern State Hospital Advisory Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

MESSAGES FROM THE HOUSE

February 13, 1990

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2390,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2414,

ENGROSSED HOUSE BILL NO. 2425,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2482,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2494,
 ENGROSSED HOUSE BILL NO. 2571,
 ENGROSSED HOUSE BILL NO. 2577,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2578,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2624,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2630,
 ENGROSSED HOUSE BILL NO. 2667,
 ENGROSSED HOUSE BILL NO. 2859,
 ENGROSSED HOUSE BILL NO. 2888,
 ENGROSSED HOUSE BILL NO. 2912,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2917,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2979, and the same are herewith

transmitted.

ALAN THOMPSON, Chief Clerk

February 13, 1990

Mr. President:

The House has passed:

REENGROSSED HOUSE BILL NO. 1055,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1394,
 SECOND SUBSTITUTE HOUSE BILL NO. 1978,
 SECOND SUBSTITUTE HOUSE BILL NO. 2023,
 HOUSE BILL NO. 2333,
 HOUSE BILL NO. 2340,
 HOUSE BILL NO. 2362,
 SUBSTITUTE HOUSE BILL NO. 2452,
 HOUSE BILL NO. 2495,
 HOUSE BILL NO. 2503,
 SUBSTITUTE HOUSE BILL NO. 2544,
 SUBSTITUTE HOUSE BILL NO. 2570,
 HOUSE BILL NO. 2575,
 SUBSTITUTE HOUSE BILL NO. 2610,
 SUBSTITUTE HOUSE BILL NO. 2649,
 ENGROSSED HOUSE BILL NO. 2745,
 SUBSTITUTE HOUSE BILL NO. 2780,
 SUBSTITUTE HOUSE BILL NO. 2792,
 HOUSE BILL NO. 2796,
 HOUSE BILL NO. 2855,
 SUBSTITUTE HOUSE BILL NO. 2857,
 HOUSE BILL NO. 2868,
 SUBSTITUTE HOUSE BILL NO. 2892,
 SUBSTITUTE HOUSE BILL NO. 2914,
 HOUSE BILL NO. 2937,
 HOUSE BILL NO. 2942,
 SUBSTITUTE HOUSE BILL NO. 2955,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2971,
 HOUSE BILL NO. 2988,
 SUBSTITUTE HOUSE BILL NO. 2999,
 HOUSE JOINT MEMORIAL NO. 4031, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

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

Financing fire protection for state-owned buildings.

Referred to Committee on Governmental Operations.

- ESHB 1394 by Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn and Baugher)
Revising irrigation district bidding requirements.
Referred to Committee on Agriculture.
- 2SHB 1978 by Committee on State Government (originally sponsored by Representatives Jacobsen, Nelson and Belcher)
Revising provisions for application of the state building code.
Referred to Committee on Governmental Operations.
- 2SHB 2023 by Committee on Trade and Economic Development (originally sponsored by Representatives G. Fisher, Cantwell, Schoon, Winsley, Ferguson and Tate)
Providing for technology development and commercialization.
Referred to Committee on Economic Development and Labor.
- ESHB 2327 by Committee on State Government (originally sponsored by Representatives Silver, H. Sommers, Schoon, Holland, McLean, Fuhrman and Smith) (by request of Legislative Budget Committee)
Changing provisions relating to sunset review of programs and agencies.
Referred to Committee on Governmental Operations.
- HB 2333 by Representatives Rasmussen, Rayburn, Kremen, Moyer, McLean, Bowman, Dorn, Spanel, Rust, Jesernig, Rector, Youngsman and Kirby
Disposing of wastes in agricultural areas.
Referred to Committee on Agriculture.
- HB 2340 by Representatives R. Meyers, Schmidt, Zellinsky, Jones, Hargrove, Rector, Winsley and Rasmussen
Prohibiting the installation of inoperable fire protection sprinkler systems.
Referred to Committee on Economic Development and Labor.
- HB 2362 by Representatives R. King, Smith, Prentice, Walker, Vekich, Cole, Jones, Wang, Leonard, Basich, Rector, Winsley and Wolfe
Providing incentives for state agencies and institutions of higher education to participate in industrial insurance safety programs and return-to-work programs.
Referred to Committee on Economic Development and Labor.
- ESHB 2390 by Committee on Environmental Affairs (originally sponsored by Representatives Rust, Phillips, Jacobsen, Nelson, Valle, Pruitt, Sprenkle, P. King, Heavey, Hine, R. Fisher, Rector, Dellwo, Basich, O'Brien, Spanel, Brekke and Crane) (by request of Governor Gardner)
Regulating hazardous substances and waste.
Referred to Committee on Environment and Natural Resources.
- ESHB 2414 by Committee on Environmental Affairs (originally sponsored by Representatives Rust, D. Sommers, Nelson, Walker, Pruitt, Brekke, Sprenkle, Fraser, Valle, Jacobsen, Van Luven and Phillips)
Regulating ozone-depleting substances.
Referred to Committee on Environment and Natural Resources.
- ESHB 2425 by Representatives Rasmussen, Dorn, McLean, Ebersole, Rayburn, Heavey, Van Luven, Kirby, Spanel, Walker, K. Wilson, Betrozoff, Brumsickle, Jesernig, Moyer, Raiter, Winsley, Wood, S. Wilson,

Brough, Fuhrman, Wolfe, Miller, Sprenkle, Todd, Crane, Smith, Rector, Wineberry, Forner, Tate, Basich, Youngsman, Zellinsky, May, O'Brien and Ferguson

Authorizing revocation of driving privileges for violation of drug and alcohol laws.

Referred to Committee on Law and Justice.

SHB 2452 by Committee on Commerce and Labor (originally sponsored by Representatives R. King, Nelson, Vekich, Smith, Walker, Jones, Winsley and R. Meyers)

Providing for safety in Washington navigable waters.

Referred to Committee on Economic Development and Labor.

ESHB 2482 by Committee on Environmental Affairs (originally sponsored by Representatives G. Fisher, Miller, Rust, Holland, Wineberry and May) (by request of Governor Gardner)

Restructuring the Puget Sound Water Quality Authority.

Referred to Committee on Environment and Natural Resources.

E2SHB 2494 by Committee on Appropriations (originally sponsored by Representatives Rust, Phillips, Schoon, Pruitt, D. Sommers, Todd, Miller, G. Fisher, Valle, Brekke, Walker, Jacobsen, Sprenkle, Fraser, Anderson, Hargrove, Prentice, Van Luven, Winsley, R. Fisher, Wood, Wineberry, Jones, Dellwo, May, R. King, Kremen, P. King, Haugen, Wang, Crane, Hine, Spanel and Rasmussen)

Changing provisions relating to oil and hazardous substance spills.

Referred to Committee on Environment and Natural Resources.

HB 2495 by Representatives H. Myers, Peery, G. Fisher, Brough, Phillips, Jacobsen and P. King

Creating a uniform entry to practice assessment for teacher certification candidates.

Referred to Committee on Education.

HB 2503 by Representatives Vekich, Walker, R. King and Winsley (by request of Department of Labor and Industries)

Allowing supplemental pension funds to be invested.

Referred to Committee on Ways and Means.

SHB 2544 by Committee on Local Government (originally sponsored by Representatives Nelson and Jacobsen)

Providing an alternate lien and foreclosure process for sewer charges.

Referred to Committee on Governmental Operations.

SHB 2570 by Committee on Environmental Affairs (originally sponsored by Representatives Sprenkle, Walker, Fraser, Pruitt, May, G. Fisher, Brekke, R. King, R. Meyers, Spanel, Winsley, Todd, Rasmussen and Cooper)

Requiring the department of ecology to develop a waste reduction, recycling, and procurement plan for state agencies.

Referred to Committee on Environment and Natural Resources.

EHB 2571 by Representatives Sprenkle, Walker, Valle, D. Sommers, Rust, Schoon, Brekke, G. Fisher, Pruitt, Fraser, May, Spanel and Todd

Exempting motor freight carriers who haul recyclables from certain utilities and transportation commission regulation.

Referred to Committee on Transportation.

- HB 2575 by Representatives McLean, R. Meyers, Ballard and Silver
Regarding nonappearance by occupant of motor vehicle.
Referred to Committee on Law and Justice.
- EHB 2577 by Representatives Morris, R. King, S. Wilson and Haugen (by request of Department of Wildlife)
Allowing the issuance of special hunting permits.
Referred to Committee on Environment and Natural Resources.
- ESHB 2578 by Committee on Commerce and Labor (originally sponsored by Representatives Jones, Winsley, Vekich, Leonard, Crane, Cole, Prentice, R. King, Day, Wineberry, Wang, Fraser, Rector, Dellwo, Scott and Todd) (by request of Department of Labor and Industries)
Changing provisions relating to prevailing wage law.
Referred to Committee on Economic Development and Labor.
- SHB 2610 by Committee on Human Services (originally sponsored by Representatives Sayan, Moyer, Scott, Winsley, Leonard, Wineberry, Anderson, Cooper, Raiter, Brekke and Belcher)
Revising provisions for public assistance.
Referred to Committee on Children and Family Services.
- E2SHB 2624 by Committee on Appropriations (originally sponsored by Representatives Fraser, Jacobsen, Doty, Belcher, G. Fisher, Brumsickle, Peery, Rasmussen, Haugen, P. King, Moyer, Bowman and Walker)
Regulating exchange student placement agencies.
Referred to Committee on Higher Education.
- ESHB 2630 by Committee on Judiciary (originally sponsored by Representatives Jesernig, R. Meyers, Ballard, Hargrove, Padden, H. Myers, Moyer, Rayburn, D. Sommers, Wineberry, Hankins, Insee, Dorn, G. Fisher, R. Fisher, R. King, Appelwick, Vekich, Sprenkle, Wang, Crane, Grant, Rasmussen, Zellinsky, McLean, Baugher, Kremen, Walker, Wood, Rector, Cooper, Dellwo, Sayan, Gallagher, Schmidt, Peery, Fraser, Basich, Prentice, Leonard, Pruitt, Scott, Phillips, Winsley, Betrozoff, Jones, Ebersole, Brekke, Morris, Braddock, Todd, Spanel and Anderson)
Abrogating the professional rescuer doctrine.
Referred to Committee on Law and Justice.
- SHB 2649 by Committee on Transportation (originally sponsored by Representatives Jones, R. Fisher, Prince, Wood, Zellinsky, D. Sommers and Basich)
Authorizing the department of transportation to place conditions on rail line salvage.
Referred to Committee on Transportation.
- EHB 2667 by Representatives Phillips, Nutley, Nelson, Holland, Wang, Hankins, Wineberry and Anderson
Changing provisions relating to low-income home energy assistance and creating a joint select committee on low-income home energy assistance.
Referred to Committee on Energy and Utilities.

- EHB 2745 by Representatives McLean, Morris, Ballard, H. Myers, Hankins, Silver and Pruitt
 Pertaining to volunteer programs.
 Referred to Committee on Governmental Operations.
- SHB 2780 by Committee on Revenue (originally sponsored by Representatives Fraser, Belcher, Haugen, Brumsickle, Sayan, Wang, Bowman and Holland)
 Changing provisions relating to levies.
 Referred to Committee on Governmental Operations.
- SHB 2792 by Committee on Health Care (originally sponsored by Representatives Day, D. Sommers, R. King, Vekich, Dellwo, Wolfe and Rector)
 Regulating podiatric physicians and surgeons.
 Referred to Committee on Health and Long-Term Care.
- HB 2796 by Representatives Brekke, Prentice and Anderson
 Pertaining to birth certificates.
 Referred to Committee on Health and Long-Term Care.
- HB 2855 by Representatives Ferguson, Phillips, Cooper, Wood and Haugen
 Changing provisions relating to lessee improvements to municipal airports.
 Referred to Committee on Governmental Operations.
- SHB 2857 by Committee on Commerce and Labor (originally sponsored by Representatives Phillips, Vekich, Prentice, Smith, Walker, Leonard, Locke and Wineberry)
 Creating a new license for the sale of table and fortified wine.
 Referred to Committee on Economic Development and Labor.
- EHB 2859 by Representatives Todd, Ebersole, Padden and Wolfe
 Making changes in county legislative authority.
 Referred to Committee on Governmental Operations.
- HB 2868 by Representatives Spanel, Haugen, S. Wilson and R. King
 Changing provisions relating to sea urchin endorsements.
 Referred to Committee on Environment and Natural Resources.
- EHB 2888 by Representatives Appelwick, R. Meyers, Dorn, McLean, May and Wood
 Establishing a new child support schedule.
 Referred to Committee on Law and Justice.
- SHB 2892 by Committee on Fisheries and Wildlife (originally sponsored by Representatives R. King, Bowman, Sayan and Basich)
 Creating a floating marine fin fish task force.
 Referred to Committee on Environment and Natural Resources.
- EHB 2912 by Representative Braddock
 Making technical corrections in department of health statutes.
 Referred to Committee on Health and Long-Term Care.

- SHB 2914 by Committee on Capital Facilities and Financing (originally sponsored by Representatives Betrozoff and Brumsickle)
Revising provisions for school levies for construction, modernization, or remodeling of school facilities.
Referred to Committee on Education.
- ESHB 2917 by Committee on Health Care (originally sponsored by Representatives Braddock, Schoon, Sprenkle and Wang)
Changing provisions relating to physician assistants.
Referred to Committee on Health and Long-Term Care.
- HB 2937 by Representatives H. Sommers, Phillips, Appelwick, Locke, Nelson, Anderson, Jacobsen, Valle, Crane, Leonard and O'Brien
Providing a definition of "public market."
Referred to Committee on Financial Institutions and Insurance.
- HB 2942 by Representatives R. King, Ballard, R. Meyers, Rayburn, McLean, Bowman, Peery, Basich, P. King, Scott, Cole, Crane, Rasmussen, O'Brien, Hine and Dellwo
Requiring progress reports on the recreational fisheries enhancement plan.
Referred to Committee on Environment and Natural Resources.
- SHB 2955 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dellwo, Chandler, Zellinsky, Beck, Anderson, Baugher, Day, Crane and Dorn)
Pertaining to motor vehicle service contracts.
Referred to Committee on Financial Institutions and Insurance.
- ESHB 2971 by Committee on Housing (originally sponsored by Representatives Wineberry, Padden, Nutley, Baugher, Leonard, Winsley, Anderson, Locke, O'Brien, Jacobsen, Crane, Rayburn, P. King, Walker and Forner)
Requiring drug prevention plans for assisted housing.
Referred to Committee on Economic Development and Labor.
- ESHB 2979 by Committee on Judiciary (originally sponsored by Representative Appelwick)
Regulating forfeited firearms.
Referred to Committee on Law and Justice.
- HB 2988 by Representatives Locke, Prince, Ferguson, H. Sommers, Anderson, Wineberry and Nelson
Funding low-income housing near the state convention and trade center.
Referred to Committee on Ways and Means.
- SHB 2999 by Committee on Higher Education (originally sponsored by Representatives Jacobsen, Locke, H. Sommers, Ebersole, Miller, Prince, S. Wilson, Holland, Rector, Winsley, Crane, Basich, Wineberry, Ferguson, Bennett, Spanel and O'Brien) (by request of State Board for Community College Education)
Revising provisions for compensation for community college officers and employees.
Referred to Committee on Higher Education.
- HJM 4031 by Representatives Sayan, Prentice, D. Sommers, Fraser, Nealey, Brumsickle, Todd, Wood, Doty, Dellwo, Horn, Baugher, Kirby, Grant, Rasmussen, Wineberry, Padden, Holland, Heavey, Hine, Pruitt, Jones, Smith, Morris, K. Wilson, Basich, Crane, H. Sommers,

Brekke, Chandler, Belcher, Anderson, Hargrove, Cantwell, Brough, Ballard, G. Fisher, Silver, P. King, Winsley, Rayburn, Rector, Haugen, Zellinsky, Valle, Sprenkle, Bowman, Cooper, Kremen, Scott, Miller and Nelson

Requesting support for veterans who were exposed to toxic chemicals.

Referred to Committee on Health and Long-Term Care.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Agriculture was relieved of further consideration of Second Substitute House Bill No. 2270.

On motion of Senator Newhouse, Second Substitute House Bill No. 2270 was referred to the Committee on Health and Long-Term Care.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Substitute House Bill No. 2587.

On motion of Senator Newhouse, Substitute House Bill No. 2587 was referred to the Committee on Transportation.

On motion of Senator Newhouse, the Committee on Ways and Means was relieved of further consideration of Substitute House Bill No. 2726.

On motion of Senator Newhouse, Substitute House Bill No. 2726 was referred to the Committee on Governmental Operations.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Engrossed House Bill No. 2777.

On motion of Senator Newhouse, Engrossed House Bill No. 2777 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Environment and Natural Resources was relieved of further consideration of Engrossed Substitute House Bill No. 2906.

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 2906 was referred to the Committee on Health and Long-Term Care.

MOTION

At 12:08 p.m., on motion of Senator Newhouse, the Senate adjourned until 11:00 a.m., Friday, February 16, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FORTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 16, 1990

The Senate was called to order at 11:00 a.m. by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Anderson, Barr, DeJarnatt, Madsen, McCaslin, Sutherland and Thorsness. On motion of Senator Newhouse, and pursuant to Rule 46, the members of the Governmental Operations Committee, Senators McCaslin, Thorsness, DeJarnatt and Sutherland, were excused. On motion of Senator Newhouse, Senator Anderson was excused.

The Sergeant at Arms Color Guard, consisting of Pages Maria Goff and Craig Jamieson, presented the Colors. Reverend Robert Schiefer, pastor of the Olympia Seventh-Day Adventist Church, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 15, 1990

EHB 1881 Prime Sponsor, Representative Rayburn: Modifying allowable compensation for irrigation district directors. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

February 14, 1990

HB 1957 Prime Sponsor, Representative Zellinsky: Repealing excess funds transfer provisions for the Puget Sound ferry operations account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Hansen, Madsen, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

February 15, 1990

HB 2410 Prime Sponsor, Representative Anderson: Extending medical assistance hospice benefits through the end of this biennium. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 15, 1990

HB 2444 Prime Sponsor, Representative Kirby: Authorizing irrigation districts to establish consolidated local improvement districts. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

February 15, 1990

HB 2469 Prime Sponsor, Representative Braddock: Regarding limited medical licenses for University of Washington programs. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 15, 1990

ESHB 2531 Prime Sponsor, Committee on Health Care: Changing provisions relating to nursing home administration. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 15, 1990

HB 2555 Prime Sponsor, Representative Rayburn: Repealing the Washington Animal Remedy Act. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 15, 1990

GA 9124 BRUCE L. CARDWELL, appointed March 23, 1989, for a term ending September 30, 1992, as a member of the Board of Trustees for Lower Columbia Community College District No. 13. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

February 15, 1990

GA 9143 JAMES F. RYAN, reappointed December 14, 1989, for a term ending December 31, 1992, as a member of the Investment Board. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman, Matson, Moore, Smitherman, West.

Passed to Committee on Rules.

February 15, 1990

GA 9144 CHERRY MCGEE BANKS, reappointed September 28, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Shoreline Community College District No. 7. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

February 15, 1990

GA 9169 ANDREW HESS, reappointed August 12, 1989, for a term ending June 30, 1993, as a member of the Higher Education Coordinating Board. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

February 15, 1990

GA 9172 MARY C. JAMES, reappointed August 12, 1989, for a term ending June 30, 1993, as a member of the Higher Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

February 15, 1990

GA 9193 JAMES M. SIMS, appointed August 22, 1989, for a term ending at the Governor's pleasure, as Administration of the Pollution Liability Reinsurance Program.
Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman, Matson, Moore, Sellar, Smitherman, West.

Passed to Committee on Rules.

February 15, 1990

GA 9206 JOAN YOSHITOMI, appointed June 30, 1989, for a term ending April 2, 1993, as a member of the State Board for Community College Education.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

February 15, 1990

Mr. President:

The Speaker has signed SENATE JOINT MEMORIAL NO. 8019, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 15, 1990

Mr. President:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2929, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6897 by Senators Patterson, Bender and Murray

AN ACT Relating to department of transportation facilities bonds; adding new sections to chapter 47.02 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SB 6898 by Senator McCaslin

AN ACT Relating to comprehensive planning by county governments.

Referred to Committee on Governmental Operations.

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 2929 by Committee on Appropriations (originally sponsored by Representatives Cantwell, R. Fisher, Brough, Haugen, Belcher,

Ferguson, Nutley, Phillips, Horn, Rust, Wood, Winsley, Nelson, Locke, Appelwick, Leonard, Wineberry, Scott, Bennett, Pruitt, Cole, Crane, Heavey, Spanel, Forner, Holland, O'Brien, Hine, Fraser, Todd and Wang)

Enacting comprehensive growth planning provisions.

Referred to Committee on Governmental Operations.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9160, Ruta E. Fanning, as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF RUTA E. FANNING

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; absent, 2; excused, 5.

Voting yea: Senators Amondson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senators Barr, Madsen - 2.

Excused: Senators Anderson, DeJarnatt, McCaslin, Sutherland, Thorsness - 5.

There being no objection, the President Pro Tempore reverted the Senate to the third order of business.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 6, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Scott Bond, appointed February 6, 1990, for a term ending December 5, 1993, as a member of the Eastern State Hospital Advisory Board

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

February 6, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

William S. Fearn, appointed February 6, 1990, for a term ending December 31, 1992, as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

February 6, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Kathryn A. Sharp, appointed February 6, 1990, for a term ending December 5, 1992, as a member of the Eastern State Hospital Advisory Board

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

There being no objection, the President Pro Tempore advanced the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

February 5, 1990

Mr. President:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6259 with the following amendments:

Strike everything after the enacting clause and insert the following:

"INDEX

| Part | Heading | Sections |
|------|--|-----------|
| I | Community Notification | 101-131 |
| II | Earned Early Release | 201-203 |
| III | Juvenile Justice Act Amendments | 301-305 |
| IV | Registration of Sex Offenders | 401-409 |
| V | Crime Victims' Compensation | 501-504 |
| VI | Sexual Motivation in Criminal Offenses | 601-605 |
| VII | Criminal Sentencing | 701-719 |
| VIII | Enhanced Penalties | 801-804 |
| IX | Civil Commitment | 901-913 |
| X | Background Checks | 1001-1004 |
| XI | Community Action | 1101-1111 |
| XII | Appropriations | 1201-1217 |
| XIII | Miscellaneous | 1301-1303 |

PART I

COMMUNITY NOTIFICATION

NEW SECTION. Sec. 101. A new section is added to chapter 13.40 RCW to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than ten days before discharge, parole, or any other authorized leave or release, or before transfer to a community residential facility, the secretary shall send written notice of the discharge, parole, authorized leave or release, or transfer of a juvenile found to have committed a violent offense or a sex offense, to the following:

- (i) The chief of police of the city, if any, in which the juvenile will reside; and
 - (ii) The sheriff of the county in which the juvenile will reside.
- (b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific juvenile:
- (i) The victim of the offense for which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide;
 - (ii) Any witnesses who testified against the juvenile in any court proceedings involving the offense; and
 - (iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the juvenile. The notice to the chief of police or the sheriff shall include the identity of the juvenile, the residence where the juvenile will reside, the identity of the person, if any, responsible for supervising the juvenile, and the time period of any authorized leave.

(2)(a) If a juvenile found to have committed a violent offense or a sex offense escapes from a facility of the department, the secretary shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the juvenile resided immediately before the juvenile's arrest. If previously requested, the secretary shall also notify the witnesses and the victim of the offense which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide. If the juvenile is recaptured, the secretary shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(b) The secretary may authorize a leave, for a juvenile found to have committed a violent or sex offense, which shall not exceed forty-eight hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. Prior to the commencement of an emergency or medical leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will be during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave. If previously requested, the department shall also

notify the witnesses and victim of the offense which the juvenile was found to have committed or the victim's next of kin if the offense was a homicide.

In case of an emergency or medical leave the secretary may waive all or any portion of the requirements for leaves pursuant to RCW 13.40.205 (2)(a), (3), (4), and (5).

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(4) The secretary shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Next of kin" means a person's spouse, parents, siblings, and children.

NEW SECTION, Sec. 102. A new section is added to chapter 13.40 RCW to read as follows:

In addition to any other information required to be released under this chapter, the department is authorized, pursuant to sections 116 through 118 of this act, to release relevant information that is necessary to protect the public concerning juveniles adjudicated of sex offenses.

Sec. 103. Section 10, chapter 191, Laws of 1983 and RCW 13.40.205 are each amended to read as follows:

(1) A juvenile sentenced to a term of confinement to be served under the supervision of the department shall not be released from the physical custody of the department prior to the release date established under RCW 13.40.210 except as otherwise provided in this section.

(2) A juvenile serving a term of confinement under the supervision of the department may be released on authorized leave from the physical custody of the department only if consistent with public safety and if:

(a) Sixty percent of the minimum term of confinement has been served; and

(b) The purpose of the leave is to enable the juvenile:

(i) To visit the juvenile's family for the purpose of strengthening or preserving family relationships;

(ii) To make plans for parole or release which require the juvenile's personal appearance in the community and which will facilitate the juvenile's reintegration into the community; or

(iii) To make plans for a residential placement out of the juvenile's home which requires the juvenile's personal appearance in the community.

(3) No authorized leave may exceed seven consecutive days. The total of all pre-minimum term authorized leaves granted to a juvenile prior to final discharge from confinement shall not exceed thirty days.

(4) Prior to authorizing a leave, the secretary shall require a written leave plan, which shall detail the purpose of the leave and how it is to be achieved, the address at which the juvenile shall reside, the identity of the person responsible for supervising the juvenile during the leave, and a statement by such person acknowledging familiarity with the leave plan and agreeing to supervise the juvenile and to notify the secretary immediately if the juvenile violates any terms or conditions of the leave. The leave plan shall include such terms and conditions as the secretary deems appropriate and shall be signed by the juvenile.

(5) Upon authorizing a leave, the secretary shall issue to the juvenile an authorized leave order which shall contain the name of the juvenile, the fact that the juvenile is on leave from a designated facility, the time period of the leave, and the identity of an appropriate official of the department to contact when necessary. The authorized leave order shall be carried by the juvenile at all times while on leave.

(6) Prior to the commencement of any authorized leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will reside during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave.

(7) The secretary may authorize a leave, which shall not exceed forty-eight hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the period of time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. In cases of emergency or medical leave the secretary may waive all or any portions of subsections (2)(a), (3), (4), (5), and (6) of this section.

(8) If requested by the juvenile's victim or the victim's immediate family (~~prior to confinement~~), the secretary shall give notice of any leave to the victim or the victim's immediate family.

(9) A juvenile who violates any condition of an authorized leave plan may be taken into custody and returned to the department in the same manner as an adult in identical circumstances.

(10) Notwithstanding the provisions of this section, a juvenile placed in minimum security status may participate in work, educational, community service, or treatment programs in the

community up to twelve hours a day if approved by the secretary. Such a release shall not be deemed a leave of absence.

(1) Subsections (6), (7), and (8) of this section do not apply to juveniles covered by section 101 of this 1990 act.

NEW SECTION, Sec. 104. A new section is added to chapter 10.77 RCW to read as follows:

(1)(a) At the earliest possible date, and in no event later than ten days before conditional release, final discharge, authorized furlough pursuant to RCW 10.77.163, or transfer to a less-restrictive facility than a state mental hospital, the superintendent shall send written notice of the conditional release, final discharge, authorized furlough, or transfer of a person who has been found not guilty of a sex or violent offense by reason of insanity and who is now in the custody of the department pursuant to this chapter, to the following:

- (i) The chief of police of the city, if any, in which the person will reside; and
- (ii) The sheriff of the county in which the person will reside.

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific person committed under this chapter:

- (i) The victim of the crime for which the person was committed or the victim's next of kin if the crime was a homicide;
- (ii) Any witnesses who testified against the person in any court proceedings; and
- (iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the person committed under this chapter.

(c) In addition to the notice requirements of (a) and (b) of this subsection, the superintendent shall comply with RCW 10.77.163.

(2) If a person who has been found not guilty of a sex or violent offense by reason of insanity and who is committed under this chapter escapes, the superintendent shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the person resided immediately before the person's arrest. If previously requested, the superintendent shall also notify the witnesses and the victim, if any, of the crime for which the person was committed or the victim's next of kin if the crime was a homicide. The superintendent shall also notify appropriate persons pursuant to RCW 10.77.165. If the person is recaptured, the secretary shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(4) The department shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) For purposes of this section the following terms have the following meanings:

- (a) "Violent offense" means a violent offense under RCW 9.94A.030;
- (b) "Sex offense" means a sex offense under RCW 9.94A.030;
- (c) "Next of kin" means a person's spouse, parents, siblings, and children;
- (d) "Authorized furlough" means a furlough granted after compliance with RCW 10.77.163.

NEW SECTION, Sec. 105. A new section is added to chapter 10.77 RCW to read as follows:

In addition to any other information required to be released under this chapter, the department is authorized, pursuant to sections 116 through 118 of this act, to release relevant information necessary to protect the public concerning a person who was acquitted of a sex offense as defined in RCW 9.94A.030 due to insanity and was subsequently committed to the department pursuant to this chapter.

Sec. 106, Section 2, chapter 122, Laws of 1983 as amended by section 9, chapter 420, Laws of 1989 and RCW 10.77.163 are each amended to read as follows:

(1) Before a person committed under this chapter is permitted temporarily to leave a treatment facility for any period of time without constant accompaniment by facility staff, the superintendent, professional person in charge of a treatment facility, or his or her professional designee shall in writing notify the prosecuting attorney of any county to which the person is released and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision conditionally to release the person. The notice shall be provided at least thirty days before the anticipated release and shall describe the conditions under which the release is to occur.

(2) In addition to the notice required by subsection (1) of this section, the superintendent of each state institution designated for the custody, care, and treatment of persons committed under this chapter shall notify appropriate law enforcement agencies through the state patrol communications network of the furloughs of persons committed under RCW 10.77.090 or 10.77.110. Notification shall be made at least forty-eight hours before the furlough, and shall include

the name of the person, the place to which the person has permission to go, and the dates and times during which the person will be on furlough.

(3) Upon receiving notice that a person committed under this chapter is being temporarily released under subsection (1) of this section, the prosecuting attorney may seek a temporary restraining order to prevent the release of the person on the grounds that the person is dangerous to self or others.

(4) The notice provisions of this section are in addition to those provided in section 104 of this 1990 act.

Sec. 107. Section 3, chapter 122, Laws of 1983 as amended by section 10, chapter 420, Laws of 1989 and RCW 10.77.165 are each amended to read as follows:

In the event of an escape by a person committed under this chapter from a state institution or the disappearance of such a person on conditional release, the superintendent shall notify as appropriate, local law enforcement officers, other governmental agencies, the person's relatives, and any other appropriate persons about information necessary for the public safety or to assist in the apprehension of the person. The notice provisions of this section are in addition to those provided in section 104 of this 1990 act.

Sec. 108. Section 21, chapter 117, Laws of 1973 1st ex. sess. as last amended by section 12, chapter 420, Laws of 1989 and RCW 10.77.210 are each amended to read as follows:

Any person involuntarily detained, hospitalized, or committed pursuant to the provisions of this chapter shall have the right to adequate care and individualized treatment. The person who has custody of the patient or is in charge of treatment shall keep records detailing all medical, expert, and professional care and treatment received by a committed person, and shall keep copies of all reports of periodic examinations of the patient that have been filed with the secretary pursuant to this chapter. Except as provided in sections 104 and 116 through 118 of this 1990 act regarding the release of information concerning insane offenders who are acquitted of sex offenses and subsequently committed pursuant to this chapter, all records and reports made pursuant to this chapter, shall be made available only upon request, to the committed person, to his or her attorney, to his or her personal physician, to the prosecuting attorney, to the court, to the protection and advocacy agency, or other expert or professional persons who, upon proper showing, demonstrates a need for access to such records. All records and reports made pursuant to this chapter shall also be made available, upon request, to the department of corrections or the indeterminate sentence review board if the person was on parole or probation at the time of detention, hospitalization, or commitment or the person is subsequently convicted for the crime for which he or she was detained, hospitalized, or committed pursuant to this chapter.

NEW SECTION. Sec. 109. A new section is added to chapter 71.05 RCW to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than ten days before conditional release, final discharge, authorized leave under RCW 71.05.325(2), or transfer to a less-restrictive facility than a state mental hospital, the superintendent shall send written notice of conditional release, final discharge, authorized leave, or transfer of a person committed under RCW 71.05.280(3) or 71.05.320(2)(c) following dismissal of a sex or violent offense pursuant to RCW 10.77.090(3) to the following:

- (i) The chief of police of the city, if any, in which the person will reside; and
- (ii) The sheriff of the county in which the person will reside.

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific person committed under RCW 71.05.280(3) or 71.05.320(2)(c) following dismissal of a sex or violent offense pursuant to RCW 10.77.090(3):

(i) The victim of the sex or violent crime that was dismissed pursuant to RCW 10.77.090(3) preceding commitment under RCW 71.05.280(3) or 71.05.320(2)(c) or the victim's next of kin if the crime was a homicide;

- (ii) Any witnesses who testified against the person in any court proceedings; and
- (iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the person committed under this chapter.

(2) If a person committed under RCW 71.05.280(3) or 71.05.320(2)(c) following dismissal of a sex or violent offense pursuant to RCW 10.77.090(3) escapes, the superintendent shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the person resided immediately before the person's arrest. If previously requested, the superintendent shall also notify the witnesses and the victim of the sex or violent crime that was dismissed pursuant to RCW 10.77.090(3) preceding commitment under RCW 71.05.280(3) or 71.05.320(2) or the victim's next of kin if the crime was a homicide. In addition, the secretary shall also notify appropriate parties pursuant to RCW 71.05.410. If the person is recaptured, the superintendent shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parent or legal guardian of the child.

(4) The superintendent shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Next of kin" means a person's spouse, parents, siblings, and children.

NEW SECTION. Sec. 110. A new section is added to chapter 71.05 RCW to read as follows:

In addition to any other information required to be released under this chapter, the department is authorized, pursuant to sections 116 through 118 of this act, to release relevant information that is necessary to protect the public, concerning a specific person committed under RCW 71.05.280(3) or 71.05.320(2)(c) following dismissal of a sex offense as defined in RCW 9.94A.030.

Sec. 111. Section 2, chapter 67, Laws of 1986 as amended by section 1, chapter 401, Laws of 1989 and RCW 71.05.325 are each amended to read as follows:

(1) Before a person committed under grounds set forth in RCW 71.05.280(3) is released from involuntary treatment because a new petition for involuntary treatment has not been filed under RCW 71.05.320(2), the superintendent, professional person, or designated mental health professional responsible for the decision whether to file a new petition shall in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision not to file a new petition for involuntary treatment. Notice shall be provided at least thirty days before the period of commitment expires.

(2) (a) Before a person committed under grounds set forth in RCW 71.05.280(3) is permitted temporarily to leave a treatment facility pursuant to RCW 71.05.270 for any period of time without constant accompaniment by facility staff, the superintendent, professional person in charge of a treatment facility, or his or her professional designee shall in writing notify the prosecuting attorney of any county to which the person is to be released and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision conditionally to release the person. The notice shall be provided at least thirty days before the anticipated release and shall describe the conditions under which the release is to occur.

(b) The provisions of RCW 71.05.330(2) apply to proposed temporary releases, and either or both prosecuting attorneys receiving notice under this subsection may petition the court under RCW 71.05.330(2).

(3) Nothing in this section shall be construed to authorize detention of a person unless a valid order of commitment is in effect.

(4) The notice provisions of this section are in addition to those provided in section 109 of this 1990 act.

Sec. 112. Section 44, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 8, chapter 67, Laws of 1986 and RCW 71.05.390 are each amended to read as follows:

The fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the patient, or his guardian, must be obtained before information or records may be disclosed by a professional person employed by a facility to a professional person, not employed by the facility, who does not have the medical responsibility for the patient's care or who is not a designated county mental health professional or who is not involved in providing services under the community mental health services act, chapter 71.24 RCW.

(2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing out-patient services to the operator of a care facility in which the patient resides.

(3) When the person receiving services, or his guardian, designates persons to whom information or records may be released, or if the person is a minor, when his parents make such designation.

(4) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he may be entitled.

(5) For program evaluation and/or research: PROVIDED, That the secretary of social and health services adopts rules for the conduct of such evaluation and/or research. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, agree not to

divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/

(6) To the courts as necessary to the administration of this chapter.

(7) To law enforcement officers, public health officers, or personnel of the department of corrections or the indefinite sentence review board (~~(of prison terms and paroles)~~) for persons who are the subject of the records and who are committed to the custody of the department of corrections or indefinite sentence review board (~~(of prison terms and paroles)~~) which information or records are necessary to carry out the responsibilities of their office (~~PROVIDED That~~). Except for dissemination of information released pursuant to sections 109 and 116 through 118 of this 1990 act, regarding persons committed under this chapter under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, the extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary admission, the fact and date of discharge, and the last known address shall be disclosed upon request; and

(b) The law enforcement and public health officers or personnel of the department of corrections or indefinite sentence review board (~~(of prison terms and paroles)~~) shall be obligated to keep such information confidential in accordance with this chapter; and

(c) Additional information shall be disclosed only after giving notice to said person and his counsel and upon a showing of clear, cogent and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained: ~~PROVIDED HOWEVER~~. That in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence.

(8) To the attorney of the detained person.

(9) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2) and 71.05.340(1)(b) and 71.05.335. The prosecutor shall be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information shall be disclosed only after giving notice to the committed person and the person's counsel.

(10) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence.

(11) To the persons designated in section 109 of this 1990 act for the purposes described in that section.

(12) Civil liability and immunity for the release of information about a particular person who is committed to the department under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by sections 116 through 118 of this 1990 act.

The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding except in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(2)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial or in a civil commitment proceeding pursuant to sections 901 through 912 of this 1990 act. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

Sec. 113. Section 47, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.420 are each amended to read as follows:

Except as provided in section 109 of this 1990 act, when any disclosure of information or records is made as authorized by RCW 71.05.390 through 71.05.410, the physician in charge of the patient or the professional person in charge of the facility shall promptly cause to be

entered into the patient's medical record the date and circumstances under which said disclosure was made, the names and relationships to the patient, if any, of the persons or agencies to whom such disclosure was made, and the information disclosed.

Sec. 114. Section 49, chapter 142, Laws of 1973 1st ex. sess. as amended by section 28, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.440 are each amended to read as follows:

Except as provided in section 117 of this 1990 act, any person may bring an action against an individual who has willfully released confidential information or records concerning him or her in violation of the provisions of this chapter, for the greater of the following amounts:

(1) One thousand dollars; or

(2) Three times the amount of actual damages sustained, if any. It shall not be a prerequisite to recovery under this section that the plaintiff shall have suffered or be threatened with special, as contrasted with general, damages.

Any person may bring an action to enjoin the release of confidential information or records concerning him or her or his or her ward, in violation of the provisions of this chapter, and may in the same action seek damages as provided in this section.

The court may award to the plaintiff, should he or she prevail in an action authorized by this section, reasonable attorney fees in addition to those otherwise provided by law.

Sec. 115. Section 17, chapter 205, Laws of 1989 and RCW 71.05.670 are each amended to read as follows:

Except as provided in sections 116 through 118 of this 1990 act, any person, including the state or any political subdivision of the state, violating RCW 71.05.610 through 71.05.690 shall be subject to the provisions of RCW 71.05.440.

NEW SECTION. Sec. 116. The legislature finds that sex offenders pose a high risk of engaging in sex offenses even after being released from incarceration or commitment and that protection of the public from sex offenders is a paramount governmental interest. The legislature further finds that the penal and mental health components of our justice system are largely hidden from public view and that lack of information from either may result in failure of both systems to meet this paramount concern of public safety. Overly restrictive confidentiality and liability laws governing the release of information about sexual predators have reduced willingness to release information that could be appropriately released under the public disclosure laws, and have increased risks to public safety. Persons found to have committed a sex offense have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government. Release of information about sexual predators to public agencies and under limited circumstances, the general public, will further the governmental interests of public safety and public scrutiny of the criminal and mental health systems so long as the information released is rationally related to the furtherance of those goals.

Therefore, this state's policy as expressed in sections 117 and 118 of this act is to require the exchange of relevant information about sexual predators among public agencies and officials and to authorize the release of necessary and relevant information about sexual predators to members of the general public.

NEW SECTION. Sec. 117. A new section is added to chapter 4.24 RCW to read as follows:

(1) An elected public official, public employee, or public agency as defined in RCW 4.24-.470 is immune as provided in this section from civil liability for damages for any discretionary decision to release information regarding: (a) A person convicted of, or juvenile found to have committed, a sex offense as defined by RCW 9.94A.030; (b) a person found not guilty of a sex offense by reason of insanity under chapter 10.77 RCW; (c) a person found incompetent to stand trial for a sex offense and subsequently committed under chapter 71.05 or 71.34 RCW; (d) a person committed as a sexual psychopath under chapter 71.06 RCW; or (e) a person committed as a sexually violent predator under sections 901 through 912 of this act. The immunity provided under this section applies to the release of information to other employees or officials or to the general public when the agency, official, or employee who releases the information acts without gross negligence and believes in good faith that the release is necessary for the protection of the public. When determining what information is necessary to release and to whom it should be released in order to protect the public, the agency, official, or employee shall consider the factors designated in section 118 of this act.

(2) Except as otherwise provided by statute, nothing in this section shall impose any liability upon a public official, public employee, or public agency for failing to release information as provided in subsection (1) of this section.

(3) Nothing in this section implies that information regarding persons designated in subsection (1) of this section is confidential except as otherwise provided by statute.

NEW SECTION. Sec. 118. Public agencies are authorized to release relevant information regarding sex offenders to the public when the release of the information is necessary for public protection.

When the agency considers what information is relevant and necessary for release, the agency shall consider factors including but not limited to the following: (1) The seriousness of the sex offense for which the offender was adjudicated, convicted, or committed; (2) the offender's criminal history, commitment history for sex offenses, or court-ordered treatment for sexual deviancy; (3) whether any of the offender's known victims were nonfamily members; (4)

whether any of the offender's known victims were children, the developmentally disabled, or the elderly; (5) observations of the offender's postconviction or postcommitment behavior, including but not limited to any overt indications such as oral, written, or drawn threats, plans, depictions, or statements regarding the future commission of sex offenses; (6) the most recent risk assessment reports prepared by the department in control or care of the offender; (7) whether the information sought to be released can be released without restrictions or with certain restrictions pursuant to chapter 10.97, 10.98, 43.43, or 42.17 RCW or, as applicable, chapter 13.40, 13.50, 9.94A, 9.95, 71.05, 71.06, 71.34, 10.77, or 70.48 RCW, or sections 901 through 912 of this act; and (8) the length of time, if any, the offender has been in the community without being arrested, charged, or convicted of another sex offense.

The information released must be based in fact and limited in scope to protect the public.

An offender's pending appeal, petition for personal restraint, or writ of habeas corpus shall not restrict the agency's, official's, or employee's authority to release relevant information concerning an offender's prior criminal history. However, the agency must release the latest dispositions of the charges as provided in chapter 10.97 RCW, the Washington state criminal records privacy act.

NEW SECTION. Sec. 119. The governor shall cause a study of federal and state statutes and regulations governing the confidentiality and disclosure of information about dangerous offenders in the criminal justice, juvenile justice, and mental health systems. The governor shall report to the legislature no later than November 1, 1990 with recommendations for a comprehensive policy approach to confidentiality and dissemination of information about offenders who pose a danger to the public and recommendations regarding the immunity and liability of public agencies, officials, and employees when releasing or failing to release that information.

NEW SECTION. Sec. 120. A new section is added to chapter 71.06 RCW to read as follows:

In addition to any other information required to be released under this chapter, the department is authorized, pursuant to sections 116 through 118 of this act, to release relevant information that is necessary to protect the public, concerning a specific sexual psychopath committed under this chapter.

Sec. 121. Section 1, chapter 346, Laws of 1985 as amended by section 1, chapter 30, Laws of 1989 and RCW 9.94A.155 are each amended to read as follows:

(1) At the earliest possible date, and in no event later than ten days before release except in the event of escape or emergency furloughs as defined in RCW 72.66.010, the department of corrections shall send written notice of parole, community placement, work release placement, furlough, or escape~~(-if such notice has been requested in writing)~~ about a specific inmate convicted of a violent offense or a sex offense as defined by RCW 9.94A.030, to all of the following:

(a) The chief of police of the city, if any, in which the inmate will reside~~(-if known)~~ or in which placement will be made in a work release program; and

(b) The sheriff of the county in which the inmate will reside~~(-if known)~~ or in which placement will be made in a work release program~~(:)~~;

~~((c))~~ (2) The same notice as required by subsection (1) of this section shall be sent to the following if such notice has been requested in writing about a specific inmate convicted of a violent offense or a sex offense as defined by RCW 9.94A.030:

(a) The victim~~(-if any)~~ of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide;

~~((d))~~ (b) Any witnesses who testified against the inmate in any court proceedings involving the violent offense; and

~~((e))~~ (c) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the inmate.

~~((f))~~ (3) If an inmate convicted of a violent offense or a sex offense as defined by RCW 9.94A.030 escapes from a correctional facility, the department of corrections shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the inmate resided immediately before the inmate's arrest and conviction. If previously requested, the department shall also notify the witnesses and the victim~~(-if any)~~ of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide. If the inmate is recaptured, the department shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

~~((g))~~ (4) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(5) The department of corrections shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

~~((h))~~ (6) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Next of kin" means a person's spouse, parents, siblings and children.

~~((5))~~ (7) Nothing in this section shall impose any liability upon a chief of police of a city or sheriff of a county for failing to request in writing a notice as provided in subsection (1) of this section.

NEW SECTION. Sec. 122. A new section is added to chapter 9.94A RCW to read as follows:

Three months before the anticipated release from total confinement of a person convicted of a sex offense as defined in RCW 9.94A.030 that was committed between June 30, 1984, and July 1, 1988, the department shall notify in writing the prosecuting attorney of the county where the person was convicted. The department shall inform the prosecutor of the following:

- (1) The person's name, identifying factors, anticipated future residence, and offense history;
- (2) A brief narrative describing the person's conduct during confinement and any treatment received; and
- (3) Whether the department recommends that a civil commitment petition be filed under section 903 of this act.

The department, its employees, and officials shall be immune from liability for any good-faith conduct under this section.

NEW SECTION. Sec. 123. A new section is added to chapter 9.94A RCW to read as follows:

The department, its employees, and officials, shall be immune from liability for release of information regarding sex offenders that complies with sections 116 through 118 of this act.

NEW SECTION. Sec. 124. A new section is added to chapter 9.94A RCW to read as follows:

In addition to any other information required to be released under other provisions of this chapter, the department may, pursuant to sections 116 through 118 of this act, release information concerning convicted sex offenders confined to the department of corrections.

Sec. 125. Section 9, chapter 155, Laws of 1979 as last amended by section 8, chapter 450, Laws of 1987 and RCW 13.50.050 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (11) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section ~~((and))~~, RCW 13.50.010, and sections 101 and 116 through 118 of this 1990 act.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in sections 116 through 118 of this 1990 act, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(8) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(9) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(10) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to

have the court vacate its order and findings, if any, and, subject to subsection (24) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(11) The court shall grant the motion to seal records made pursuant to subsection (10) of this section if it finds that:

(a) Two years have elapsed from the later of: (i) Final discharge of the person from the supervision of any agency charged with supervising juvenile offenders; or (ii) from the entry of a court order relating to the commission of a juvenile offense or a criminal offense;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense; and

(c) No proceeding is pending seeking the formation of a diversion agreement with that person.

(12) The person making a motion pursuant to subsection (10) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(13) If the court grants the motion to seal made pursuant to subsection (10) of this section, it shall, subject to subsection (24) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(14) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection (24) of this section.

(15) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any conviction for any adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW for any juvenile adjudication of guilt for a class A offense or a sex offense as defined in RCW 9.94A.030.

(16) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (24) of this section, order the destruction of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(17) The court may grant the motion to destroy records made pursuant to subsection (16) of this section if it finds:

(a) The person making the motion is at least twenty-three years of age;

(b) The person has not subsequently been convicted of a felony;

(c) No proceeding is pending against that person seeking the conviction of a criminal offense; and

(d) The person has never been found guilty of a serious offense.

(18) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted, subject to subsection (24) of this section, if the court finds that two years have elapsed since completion of the diversion agreement.

(19) If the court grants the motion to destroy records made pursuant to subsection (16) or (18) of this section, it shall, subject to subsection (24) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(20) The person making the motion pursuant to subsection (16) or (18) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(21) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(22) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(23) Any juvenile justice or care agency may, subject to the limitations in subsection (24) of this section and subparagraphs (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

(24) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birth-date or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

Sec. 126. Section 15, chapter 133, Laws of 1955 and RCW 9.95.140 are each amended to read as follows:

The board of prison terms and paroles shall cause a complete record to be kept of every prisoner released on parole. Such records shall be organized in accordance with the most modern methods of filing and indexing so that there will be always immediately available complete information about each such prisoner. The board may make rules as to the privacy of such records and their use by others than the board and its staff. In determining the rules regarding dissemination of information regarding convicted sex offenders under the board's jurisdiction, the board shall consider the provisions of sections 116 through 118 of this 1990 act and shall be immune from liability for the release of information concerning sex offenders as provided in section 117 of this 1990 act.

The superintendent of the penitentiary and the reformatory and all officers and employees thereof and all other public officials shall at all times cooperate with the board and furnish to the board, its officers, and employees such information as may be necessary to enable it to perform its functions, and such superintendents and other employees shall at all times give the members of the board, its officers, and employees free access to all prisoners confined in the penal institutions of the state.

NEW SECTION. Sec. 127. A new section is added to chapter 9.95 RCW to read as follows:

In addition to any other information required to be released under this chapter, the indeterminate sentence review board may, pursuant to sections 108 through 118 of this act, release information concerning inmates under the jurisdiction of the indeterminate sentence review board who are convicted of sex offenses as defined in RCW 9.94A.030.

Sec. 128. Section 3, chapter 314, Laws of 1977 ex. sess. as last amended by section 1, chapter 36, Laws of 1979 ex. sess. and RCW 10.97.030 are each amended to read as follows:

For purposes of this chapter, the definitions of terms in this section shall apply.

(1) "Criminal history record information" means information contained in records collected by criminal justice agencies, other than courts, on individuals, ~~((other than juveniles.))~~ consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, including sentences, correctional supervision, and release. The term includes information contained in records maintained by or obtained from criminal justice agencies, other than courts, which records provide individual identification of a person together with any portion of the individual's record of involvement in the criminal justice system as an alleged or convicted offender, except:

(a) Posters, announcements, or lists for identifying or apprehending fugitives or wanted persons;

(b) Original records of entry maintained by criminal justice agencies to the extent that such records are compiled and maintained chronologically and are accessible only on a chronological basis;

(c) Court indices and records of public judicial proceedings, court decisions, and opinions, and information disclosed during public judicial proceedings;

(d) Records of traffic violations which are not punishable by a maximum term of imprisonment of more than ninety days;

(e) Records of any traffic offenses as maintained by the department of licensing for the purpose of regulating the issuance, suspension, revocation, or renewal of drivers' or other operators' licenses and pursuant to RCW 46.52.130 as now existing or hereafter amended;

(f) Records of any aviation violations or offenses as maintained by the department of transportation for the purpose of regulating pilots or other aviation operators, and pursuant to RCW 47.68.330 as now existing or hereafter amended;

(g) Announcements of executive clemency.

(2) "Nonconviction data" consists of all criminal history record information relating to an incident which has not led to a conviction or other disposition adverse to the subject, and for which proceedings are no longer actively pending. There shall be a rebuttable presumption that proceedings are no longer actively pending if more than one year has elapsed since arrest, citation, or service of warrant and no disposition has been entered.

(3) "Conviction record" means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the subject.

(4) "Conviction or other disposition adverse to the subject" means any disposition of charges, except a decision not to prosecute, a dismissal, or acquittal except when the acquittal is due to a finding of not guilty by reason of insanity pursuant to chapter 10.77 RCW and the

person was committed pursuant to chapter 10.77 RCW: PROVIDED, HOWEVER, That a dismissal entered after a period of probation, suspension, or deferral of sentence shall be considered a disposition adverse to the subject.

(5) "Criminal justice agency" means: (a) A court; or (b) a government agency which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice.

(6) "The administration of criminal justice" means performance of any of the following activities: Detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The term also includes criminal identification activities and the collection, storage, dissemination of criminal history record information, and the compensation of victims of crime.

(7) "Disposition" means the formal conclusion of a criminal proceeding at whatever stage it occurs in the criminal justice system.

(8) "Dissemination" means disclosing criminal history record information or disclosing the absence of criminal history record information to any person or agency outside the agency possessing the information, subject to the following exceptions:

(a) When criminal justice agencies jointly participate in the maintenance of a single record keeping department as an alternative to maintaining separate records, the furnishing of information by that department to personnel of any participating agency is not a dissemination;

(b) The furnishing of information by any criminal justice agency to another for the purpose of processing a matter through the criminal justice system, such as a police department providing information to a prosecutor for use in preparing a charge, is not a dissemination;

(c) The reporting of an event to a record keeping agency for the purpose of maintaining the record is not a dissemination.

Sec. 129, Section 5, chapter 314, Laws of 1977 ex. sess. and RCW 10.97.050 are each amended to read as follows:

(1) Conviction records may be disseminated without restriction.

(2) Any criminal history record information which pertains to an incident for which a person is currently being processed by the criminal justice system, including the entire period of correctional supervision extending through final discharge from parole, when applicable, may be disseminated without restriction.

(3) Criminal history record information which includes nonconviction data may be disseminated by a criminal justice agency to another criminal justice agency for any purpose associated with the administration of criminal justice, or in connection with the employment of the subject of the record by a criminal justice or juvenile justice agency. A criminal justice agency may respond to any inquiry from another criminal justice agency without any obligation to ascertain the purpose for which the information is to be used by the agency making the inquiry.

(4) Criminal history record information which includes nonconviction data may be disseminated by a criminal justice agency to implement a statute, ordinance, executive order, or a court rule, decision, or order which expressly refers to records of arrest, charges, or allegations of criminal conduct or other nonconviction data and authorizes or directs that it be available or accessible for a specific purpose.

(5) Criminal history record information which includes nonconviction data may be disseminated to individuals and agencies pursuant to a contract with a criminal justice agency to provide services related to the administration of criminal justice. Such contract must specifically authorize access to criminal history record information, but need not specifically state that access to nonconviction data is included. The agreement must limit the use of the criminal history record information to stated purposes and insure the confidentiality and security of the information consistent with state law and any applicable federal statutes and regulations.

(6) Criminal history record information which includes nonconviction data may be disseminated to individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency. Such agreement must authorize the access to nonconviction data, limit the use of that information which identifies specific individuals to research, evaluative, or statistical purposes, and contain provisions giving notice to the person or organization to which the records are disseminated that the use of information obtained therefrom and further dissemination of such information are subject to the provisions of this chapter and applicable federal statutes and regulations, which shall be cited with express reference to the penalties provided for a violation thereof.

(7) Every criminal justice agency that maintains and disseminates criminal history record information must maintain information pertaining to every dissemination of criminal history record information except a dissemination to the effect that the agency has no record concerning an individual. Information pertaining to disseminations shall include:

(a) An indication of to whom (agency or person) criminal history record information was disseminated;

(b) The date on which the information was disseminated;

(c) The individual to whom the information relates; and

(d) A brief description of the information disseminated.

The information pertaining to dissemination required to be maintained shall be retained for a period of not less than one year.

(8) In addition to the other provisions in this section allowing dissemination of criminal history record information, sections 116 through 118 of this 1990 act govern dissemination of information concerning offenders who commit sex offenses as defined by RCW 9.94A.030. Criminal justice agencies, their employees, and officials shall be immune from civil liability for dissemination on criminal history record information concerning sex offenders as provided in sections 116 through 118 of this 1990 act.

Sec. 130. Section 10, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.100 are each amended to read as follows:

(1) A department of corrections or chief law enforcement officer responsible for the operation of a jail shall maintain a jail register, open to the public, into which shall be entered in a timely basis:

(a) The name of each person confined in the jail with the hour, date and cause of the confinement; and

(b) The hour, date and manner of each person's discharge.

(2) Except as provided in subsection (3) of this section the records of a person confined in jail shall be held in confidence and shall be made available only to criminal justice agencies as defined in RCW 43.43.705: or

(a) For use in inspections made pursuant to RCW 70.48.070;

(b) In jail certification proceedings;

(c) For use in court proceedings upon the written order of the court in which the proceedings are conducted; or

(d) Upon the written permission of the person.

(3) (a) Law enforcement may use booking photographs of a person arrested or confined in a local or state penal institution to assist them in conducting investigations of crimes.

(b) Photographs and information concerning a person convicted of a sex offense as defined in RCW 9.94A.030 may be disseminated as provided in sections 401 through 409 and 116 through 118 of this 1990 act.

Sec. 131. Section 14, chapter 152, Laws of 1972 ex. sess. as amended by section 108, chapter 3, Laws of 1983 and RCW 43.43.765 are each amended to read as follows:

The principal officers of the jails, correctional institutions, state mental institutions and all places of detention to which a person is committed under chapter 10.77 RCW ~~((or))~~, chapter 71.06 RCW, or sections 901 through 912 of this 1990 act for treatment or under a sentence of imprisonment for any crime as provided for in RCW 43.43.735 shall within seventy-two hours, report to the section, any interinstitutional transfer, release or change of release status of any person held in custody pursuant to the rules promulgated by the chief.

The principal officers of all state mental institutions to which a person has been committed under chapter 10.77 RCW ~~((or))~~, chapter 71.06 RCW, or sections 901 through 912 of this 1990 act shall keep a record of the photographs, description, fingerprints, and other identification data as may be obtainable from the appropriate criminal justice agency.

PART II

EARNED EARLY RELEASE

Sec. 201. Section 1, chapter 248, Laws of 1989 and RCW 9.92.151 are each amended to read as follows:

The sentence of a prisoner confined in a county jail facility for a felony, gross misdemeanor, or misdemeanor conviction may be reduced by earned release credits in accordance with procedures that shall be developed and promulgated by the ~~((facility))~~ correctional agency having jurisdiction. The earned early release time shall be for good behavior and good performance as determined by the ~~((facility))~~ correctional agency having jurisdiction. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. The correctional agency shall not credit the offender with earned early release credits in advance of the offender actually earning the credits. In the case of an offender convicted of a serious violent offense or a sex offense that is a class A felony committed on or after July 1, 1990, the aggregate earned early release time may not exceed fifteen percent of the sentence. In no other case may the aggregate earned early release time exceed one-third of the total sentence.

Sec. 202. Section 2, chapter 248, Laws of 1989 and RCW 9.94A.150 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) ~~Except ((for persons convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW)) as otherwise provided for in subsection (2) of this section, the term((s)) of the sentence of an offender committed to a ((county jail facility or a)) correctional facility operated by~~

the department, may be reduced by earned early release time in accordance with procedures that shall be developed and promulgated by the correctional ~~((facility))~~ agency having jurisdiction in which the offender is confined. The earned early release time shall be for good behavior and good performance, as determined by the correctional ~~((facility))~~ agency having jurisdiction. The correctional agency shall not credit the offender with earned early release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department of corrections, the county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned early release time. In the case of an offender convicted of a serious violent offense or a sex offense that is a class A felony committed on or after July 1, 1990, the aggregate earned early release time may not exceed fifteen percent of the sentence. In no other case shall the aggregate earned early release time exceed one-third of the total sentence.~~((Persons convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW may become eligible for community custody in lieu of earned early release time in accordance with the program developed by the department))~~;

(2) ~~((When))~~ A person convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW ~~((is))~~ may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned early release time pursuant to subsection (1) of this section~~((as computed by the department of corrections, the offender shall be transferred to community custody))~~;

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(4) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(5) No more than the final six months of the sentence may be served in partial confinement designed to aid the offender in finding work and reestablishing him or herself in the community;

(6) The governor may pardon any offender;

(7) The department of corrections may release an offender from confinement any time within ten days before a release date calculated under this section; and

(8) An offender may leave a correctional facility prior to completion of his sentence if the sentence has been reduced as provided in RCW 9.94A.160.

Sec. 203. Section 17, chapter 232, Laws of 1979 ex. sess. as last amended by section 3, chapter 248, Laws of 1989 and RCW 70.48.210 are each amended to read as follows:

(1) All cities and counties are authorized to establish and maintain farms, camps, and work release programs and facilities, as well as special detention facilities. The facilities shall meet the requirements of chapter 70.48 RCW and any rules adopted thereunder.

(2) Farms and camps may be established either inside or outside the territorial limits of a city or county. A sentence of confinement in a city or county jail may include placement in a farm or camp. Unless directed otherwise by court order, the chief law enforcement officer or department of corrections, may transfer the prisoner to a farm or camp. The sentencing court, chief law enforcement officer, or department of corrections may not transfer to a farm or camp a greater number of prisoners than can be furnished with constructive employment and can be reasonably accommodated.

(3) The city or county may establish a city or county work release program and housing facilities for the prisoners in the program. In such regard, factors such as employment conditions and the condition of jail facilities should be considered. When a work release program is established the following provisions apply:

(a) A person convicted of a felony and placed in a city or county jail is eligible for the work release program. A person sentenced to a city or county jail is eligible for the work release program. The program may be used as a condition of probation for a criminal offense. Good conduct is a condition of participation in the program.

(b) The court may permit a person who is currently, regularly employed to continue his or her employment. The chief law enforcement officer or department of corrections shall make all necessary arrangements if possible. The court may authorize the person to seek suitable employment and may authorize the chief law enforcement officer or department of corrections to make reasonable efforts to find suitable employment for the person. A person participating in the work release program may not work in an establishment where there is a labor dispute.

(c) The work release prisoner shall be confined in a work release facility or jail unless authorized to be absent from the facility for program-related purposes, unless the court directs otherwise.

(d) Each work release prisoner's earnings may be collected by the chief law enforcement officer or a designee. The chief law enforcement officer or a designee may deduct from the earnings moneys for the payments for the prisoner's board, personal expenses inside and outside the jail, a share of the administrative expenses of this section, court-ordered victim compensation, and court-ordered restitution. Support payments for the prisoner's dependents, if any, shall be made as directed by the court. With the prisoner's consent, the remaining funds may be used to pay the prisoner's preexisting debts. Any remaining balance shall be returned to the prisoner.

(e) The prisoner's sentence may be reduced by earned early release time in accordance with procedures that shall be developed and promulgated by the work release facility. The earned early release time shall be for good behavior and good performance as determined by the facility. The facility shall not credit the offender with earned early release credits in advance of the offender actually earning the credits. In the case of an offender convicted of a serious violent offense or a sex offense that is a class A felony committed on or after July 1, 1990, the aggregate earned early release time may not exceed fifteen percent of the sentence. In no other case may the aggregate earned early release time exceed one-third of the total sentence.

(f) If the work release prisoner violates the conditions of custody or employment, the prisoner shall be returned to the sentencing court. The sentencing court may require the prisoner to spend the remainder of the sentence in actual confinement and may cancel any earned reduction of the sentence.

(g) A special detention facility may be operated by a noncorrectional agency or by non-correctional personnel by contract with the governing unit. The employees shall meet the standards of training and education established by the criminal justice training commission as authorized by RCW 43.101.080. The special detention facility may use combinations of features including, but not limited to, low-security or honor prisoner status, work farm, work release, community review, prisoner facility maintenance and food preparation, training programs, or alcohol or drug rehabilitation programs. Special detention facilities may establish a reasonable fee schedule to cover the cost of facility housing and programs. The schedule shall be on a sliding basis that reflects the person's ability to pay.

PART III

JUVENILE JUSTICE ACT AMENDMENTS

Sec. 301. Section 56, chapter 291, Laws of 1977 ex. sess. as last amended by section 1, chapter 407, Laws of 1989 and RCW 13.40.020 are each amended to read as follows:

For the purposes of this chapter:

(1) "Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:

(a) A class A felony, or an attempt to commit a class A felony;

(b) Manslaughter in the first degree (~~or rape in the second degree~~); or

(c) Assault in the second degree, extortion in the first degree, child molestation in the (~~first or~~) second degree, (~~rape of a child in the second degree~~); kidnapping in the second degree, robbery in the second degree, residential burglary, or burglary in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon or firearm as defined in RCW 9A.04.110;

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses and include one or more of the following:

(a) A fine, not to exceed one hundred dollars;

(b) Community service not to exceed one hundred fifty hours of service;

(c) Attendance of information classes;

(d) Counseling; or

(e) Such other services to the extent funds are available for such services, conditions, or limitations as the court may require which may not include confinement;

(4) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a facility operated by or pursuant to a contract with any county. Confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(5) "Court", when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(6) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history;

(7) "Department" means the department of social and health services;

(8) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender or any other person or entity with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.04.040, as now or hereafter amended, or any person or entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter;

(9) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(10) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court;

(11) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(12) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(13) "Middle offender" means a person who has committed an offense and who is neither a minor or first offender nor a serious offender;

(14) "Minor or first offender" means a person sixteen years of age or younger whose current offense(s) and criminal history fall entirely within one of the following categories:

(a) Four misdemeanors;

(b) Two misdemeanors and one gross misdemeanor;

(c) One misdemeanor and two gross misdemeanors;

(d) Three gross misdemeanors;

(e) One class C felony except manslaughter in the second degree and one misdemeanor or gross misdemeanor;

(f) One class B felony except: Any felony which constitutes an attempt to commit a class A felony; manslaughter in the first degree; ~~((rape in the second degree;))~~ assault in the second degree; extortion in the first degree; indecent liberties; kidnapping in the second degree; robbery in the second degree; burglary in the second degree; ~~((rape of a child in the second degree;))~~ residential burglary; vehicular homicide; ~~((child molestation in the first degree;))~~ or arson in the second degree.

For purposes of this definition, current violations shall be counted as misdemeanors;

(15) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(16) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(17) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, ~~((and))~~ lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(18) "Secretary" means the secretary of the department of social and health services;

(19) "Services" mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(20) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(21) "Sexual motivation" means the respondent committed the offense for the purpose of his or her sexual gratification;

(22) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

~~((21))~~ (23) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration.

Sec. 302. Section 70, chapter 291, Laws of 1977 ex. sess. as last amended by section 4, chapter 407, Laws of 1989 and RCW 13.40.160 are each amended to read as follows:

(1) When the respondent is found to be a serious offender, the court shall commit the offender to the department for the standard range of disposition for the offense, as indicated in option A of schedule D-3, RCW 13.40.0357 except as provided in subsection (5) of this section.

If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option B of schedule D-3, RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030~~((5))~~(2), as now or hereafter amended, shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230 as now or hereafter amended.

(2) Where the respondent is found to be a minor or first offender, the court shall order that the respondent serve a term of community supervision as indicated in option A or option B of schedule D-1, RCW 13.40.0357 except as provided in subsection (5) of this section. If the court determines that a disposition of community supervision would effectuate a manifest injustice the court may impose another disposition under option C of schedule D-1, RCW 13.40.0357. Except as provided in subsection (5) of this section, a disposition other than a community supervision may be imposed only after the court enters reasons upon which it bases its conclusions that imposition of community supervision would effectuate a manifest injustice. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030~~((5))~~(2), as now or hereafter amended, shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

((Any)) Except for disposition ((other than)) of community supervision or a disposition imposed pursuant to subsection (5) of this section, a disposition may be appealed as provided in RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition of community supervision or a disposition imposed pursuant to subsection (5) of this section may not be appealed under RCW 13.40.230 as now or hereafter amended.

(3) Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement, the court shall impose a term of community supervision limited to the conditions allowed in a diversion agreement as provided in RCW 13.40.080(2) as now or hereafter amended.

(4) If a respondent is found to be a middle offender:

(a) The court shall impose a determinate disposition within the standard range(s) for such offense, as indicated in option A of schedule D-2, RCW 13.40.0357 except as provided in subsection (5) of this section; PROVIDED, That if the standard range includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement; or

(b) The court shall impose a determinate disposition of community supervision and/or up to thirty days confinement, as indicated in option B of schedule D-2, RCW 13.40.0357 in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150 as now or hereafter amended.

(c) Only if the court concludes, and enters reasons for its conclusions, that disposition as provided in subsection (4) (a) or (b) of this section would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030~~((5))~~(2), as now or hereafter amended, shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

(d) A disposition pursuant to subsection (4)(c) of this section is appealable under RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition pursuant to subsection (4) (a) or (b) of this section is not appealable under RCW 13.40.230 as now or hereafter amended.

(5) When a serious, middle, or minor first offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(a) (i) Frequency and type of contact between the offender and therapist;

(ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;

(iv) Anticipated length of treatment; and

(v) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, and the court may suspend the execution of the disposition and place the offender on community supervision for up to two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

(b) (i) Devote time to a specific education, employment, or occupation;

(ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;

(iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;

(iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;

(v) Report as directed to the court and a probation counselor;

(vi) Pay all court-ordered legal financial obligations, perform community service, or any combination thereof; or

(vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense.

The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

After July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to sections 709 through 717 of this 1990 act.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the sentence. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(6) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

((6) in its dispositional order) (7) Except as provided for in subsection (5) of this section, the court shall not suspend or defer the imposition or the execution of the disposition.

((7)) (8) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

Sec. 303. Section 65, chapter 291, Laws of 1977 ex. sess. as last amended by section 18, chapter 145, Laws of 1988 and RCW 13.40.110 are each amended to read as follows:

(1) The prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing on the question of declining jurisdiction. Unless waived by the court, the parties, and their counsel, a decline hearing shall be held where:

(a) The respondent is fifteen, sixteen, or seventeen years of age and the information alleges a class A felony or an attempt, solicitation, or conspiracy to commit a class A felony; or

(b) The respondent is sixteen or seventeen years of age and the information alleges assault in the second degree, extortion in the first degree, indecent liberties, ~~((rape of a child in the second degree;))~~ child molestation in the ~~((first or))~~ second degree, kidnapping in the second degree, ~~((rape in the second degree;))~~ or robbery in the second degree.

(2) The court after a mandatory decline hearing shall order the case be transferred for adult prosecution unless the respondent establishes by a preponderance of the evidence that retaining juvenile court jurisdiction over the juvenile would be in the best interest of the juvenile and the public. After nonmandatory decline hearings the court may order the case transferred for adult criminal prosecution upon a finding that the declination would be in the best interest of the juvenile or the public. The court shall consider the relevant reports, facts, opinions, and arguments presented by the parties and their counsel.

(3) When the respondent is transferred for criminal prosecution or retained for prosecution in juvenile court, the court shall set forth in writing its finding which shall be supported by relevant facts and opinions produced at the hearing.

Sec. 304. Section 75, chapter 291, Laws of 1977 ex. sess. as last amended by section 4, chapter 505, Laws of 1987 and RCW 13.40.210 are each amended to read as follows:

(1) The secretary shall, except in the case of a juvenile committed by a court to a term of confinement in a state institution outside the appropriate standard range for the offense(s) for which the juvenile was found to be guilty established pursuant to RCW 13.40.030, as now or hereafter amended, set a release or discharge date for each juvenile committed to its custody which shall be within the prescribed range to which a juvenile has been committed. Such dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter: PROVIDED, That days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release at the end of each calendar year if any such early releases have occurred during that year as a result of excessive in-residence population. In no event shall a serious offender, as defined in RCW 13.40.020(1) be granted release under the provisions of this subsection.

(3) Following the juvenile's release pursuant to subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months, except that in the case of a juvenile sentenced for rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties with forcible compulsion, the period of parole shall be twenty-four months. ~~((Such))~~ A parole program ~~((shall be))~~ is mandatory for offenders released under subsection (2) of this section. The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal may require the juvenile to: (a) Undergo available medical or psychiatric treatment; (b) report as directed to a parole officer; (c) pursue a course of study or vocational training; (d) remain within prescribed geographical boundaries and notify the department of any change in his or her address; and (e) refrain from committing new offenses. After termination of the parole period, the juvenile shall be discharged from the department's supervision.

(4) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (a) Continued supervision under the same conditions previously imposed; (b) intensified supervision with increased reporting requirements; (c) additional conditions of supervision authorized by this chapter: ((and)) (d) except as provided in (e) of this subsection, imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision; and (e) the secretary may order any of the conditions or may return the offender to confinement in an institution for the remainder of the sentence range if the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined by RCW 9.94A.030.

(5) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest such person.

(6) If so requested and approved under chapter 13.06 RCW, the secretary shall permit a county or group of counties to perform functions under subsections (3) through (5) of this section.

NEW SECTION. Sec. 305. A new section is added to chapter 74.13 RCW to read as follows:

(1) For the purposes of funds appropriated for the treatment of sexually aggressive youth, "sexually aggressive youth" means those juveniles in the care and custody of the state who:

(a) Have been abused;

(b) Have committed a sexually aggressive or other violent act that is sexual in nature; and

(c) Cannot be detained under the juvenile justice system.

(2) In expending these funds, the department of social and health services shall establish in each region a case review committee to review all cases for which the funds are used. In determining whether to use these funds in a particular case, the committee shall consider:

(a) The age of the juvenile;

(b) The extent and type of abuse to which the juvenile has been subjected;

(c) The juvenile's past conduct;

(d) The benefits that can be expected from the treatment; and

(e) The cost of the treatment.

PART IV

REGISTRATION OF SEX OFFENDERS

NEW SECTION. Sec. 401. The legislature finds that sex offenders often pose a high risk of reoffense, and that law enforcement's efforts to protect their communities, conduct investigations, and quickly apprehend offenders who commit sex offenses, are impaired by the lack of information available to law enforcement agencies about convicted sex offenders who live within the law enforcement agency's jurisdiction. Therefore, this state's policy is to assist local law enforcement agencies' efforts to protect their communities by regulating sex offenders by requiring sex offenders to register with local law enforcement agencies as provided in section 402 of this act.

NEW SECTION. Sec. 402. A new section is added to chapter 9A.44 RCW to read as follows:

(1) Any adult or juvenile residing in this state who has been found to have committed or has been convicted of any sex offense shall register with the county sheriff for the county of the person's residence.

(2) The person shall, within forty-five days of establishing residence in Washington, or if a current resident within thirty days of release from confinement, if any, provide the county sheriff with the following information: (a) Name; (b) address; (c) place of employment; (d) crime for which convicted; (e) date and place of conviction; (f) aliases used; and (g) social security number.

(3) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff within ten days of establishing the new residence. If any person required to register pursuant to this section moves to a new county, the person must register with the county sheriff in the new county within ten days of establishing the new residence. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered.

(4) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

(5) "Sex offense" for the purpose of sections 402 through 406 of this act means any offense defined as a sex offense by RCW 9.94A.030:

(a) Committed on or after the effective date of this section; or

(b) Committed prior to the effective date of this section if the person, as a result of the offense, is under the custody or active supervision of the department of corrections or the department of social and health services on or after the effective date of this section.

(6) A person who knowingly fails to register as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a class A felony or a federal or out-of-state conviction for an offense that under the laws of this state would be a class A felony. If the crime was other than a class A felony or a federal or out-of-state conviction for an offense that under the laws of this state would be a class A felony, violation of this section is a gross misdemeanor.

NEW SECTION. Sec. 403. A new section is added to chapter 43.43 RCW to read as follows:

The county sheriff shall forward the information and fingerprints obtained pursuant to section 402 of this act to the Washington state patrol within five working days. The state patrol shall maintain a central registry of sex offenders required to register under section 402 of this act and shall adopt rules consistent with chapters 10.97, 10.98, and 43.43 RCW as are necessary to carry out the purposes of sections 402 through 408 of this act. The Washington state patrol shall reimburse the counties for the costs of processing the sex offender registration, including taking the fingerprints and the photographs.

NEW SECTION. Sec. 404. A new section is added to chapter 10.01 RCW to read as follows:

The court shall provide written notification to any defendant charged with a sex offense of the registration requirements of section 402 of this act. Such notice shall be included on any guilty plea forms and judgment and sentence forms provided to the defendant.

NEW SECTION. Sec. 405. A new section is added to chapter 72.09 RCW to read as follows:

(1) The department shall provide written notification to an inmate convicted of a sex offense of the registration requirements of section 402 of this act at the time of the inmate's release from confinement and shall receive and retain a signed acknowledgement of receipt.

(2) The department shall provide written notification to an individual convicted of a sex offense from another state of the registration requirements of section 402 of this act at the time the department accepts supervision and has legal authority of the individual under the terms and conditions of the interstate compact agreement under RCW 9.95.270.

NEW SECTION. Sec. 406. A new section is added to chapter 70.48 RCW to read as follows:

A person having charge of a jail shall notify in writing any confined person who is in the custody of the jail for a conviction of a sexual offense as defined in RCW 9.94A.030 of the registration requirements of section 402 of this act at the time of the inmate's release from confinement, and shall obtain written acknowledgment of such notification.

NEW SECTION. Sec. 407. A new section is added to chapter 46.20 RCW to read as follows:

The department, at the time a person renews his or her driver's license or identicard, or surrenders a driver's license from another jurisdiction pursuant to RCW 46.20.021 and makes an application for a driver's license or an identicard, shall provide the applicant with written information on the registration requirements of section 402 of this act.

NEW SECTION. Sec. 408. A new section is added to chapter 9A.44 RCW to read as follows:

(1) The duty to register under section 402 of this act shall end:

(a) For a person convicted of a class A felony: Such person may only be relieved of the duty to register under subsection (2) of this section.

(b) For a person convicted of a class B felony: Fifteen years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent fifteen consecutive years in the community without being convicted of any new offenses.

(c) For a person convicted of a class C felony: Ten years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent ten consecutive years in the community without being convicted of any new offenses.

(2) Any person having a duty to register under section 402 of this act may petition the superior court to be relieved of that duty. The petition shall be made to the court in which the petitioner was convicted of the offense that subjects him or her to the duty to register, or, in the case of convictions in other states, to the court in Thurston county. The prosecuting attorney of the county shall be named and served as the respondent in any such petition. The court shall consider the nature of the registerable offense committed, and the criminal and relevant non-criminal behavior of the petitioner both before and after conviction, and may consider other factors. The court may relieve the petitioner of the duty to register only if the petitioner shows, with clear and convincing evidence, that future registration of the petitioner will not serve the purposes of sections 402 through 408 of this act.

(3) Unless relieved of the duty to register pursuant to this section, a violation of section 402 of this act is an ongoing offense for purposes of the statute of limitations under RCW 9A.04.080.

(4) Nothing in RCW 9.94A.220 relating to discharge of an offender shall be construed as operating to relieve the offender of his or her duty to register pursuant to section 402 of this act.

Sec. 409. Section 10, chapter 152, Laws of 1972 ex. sess. as last amended by section 6, chapter 346, Laws of 1985 and RCW 43.43.745 are each amended to read as follows:

(1) It shall be the duty of the sheriff or director of public safety of every county, of the chief of police of each city or town, or of every chief officer of other law enforcement agencies operating within this state, to record the fingerprints of all persons held in or remanded to their custody when convicted of any crime as provided for in RCW 43.43.735 for which the penalty of imprisonment might be imposed and to disseminate and file such fingerprints in the same manner as those recorded upon arrest pursuant to RCW 43.43.735 and 43.43.740.

(2) Every time the secretary authorizes a furlough as provided for in RCW 72.66.012 the department of corrections shall notify, forty-eight hours prior to the beginning of such furlough, the section that the named prisoner has been granted a furlough, the place to which furloughed, and the dates and times during which the prisoner will be on furlough status. In the case of an emergency furlough the forty-eight hour time period shall not be required but notification shall be made as promptly as possible and before the prisoner is released on furlough. Upon receipt of furlough information pursuant to the provisions of this subsection the section shall notify the sheriff or director of public safety of the county to which the prisoner is being furloughed, the nearest attachment of the Washington state patrol in the county wherein the furloughed prisoner shall be residing and such other criminal justice agencies as the section may determine should be so notified.

(3) Disposition of the charge for which the arrest was made shall be reported to the section at whatever stage in the proceedings a final disposition occurs by the arresting law enforcement agency, county prosecutor, city attorney, or court having jurisdiction over the offense: PROVIDED, That the chief shall promulgate rules pursuant to chapter 34.05 RCW to carry out the provisions of this subsection.

(4) Whenever a person serving a sentence for a term of confinement in a state correctional facility for convicted felons, pursuant to court commitment, is released on an order of the state indefinite sentence review board (~~(of prison terms and paroles)~~), or is discharged from custody on expiration of sentence, the department of corrections shall promptly notify the section that the named person has been released or discharged, the place to which such person has been released or discharged, and the conditions of his release or discharge, and shall additionally notify the section of change in residence or conditions of release or discharge of persons on active parole supervision, and shall notify the section when persons are discharged from active parole supervision.

~~(No city, town, county, or local law enforcement authority or other agency thereof may require that a convicted felon entering, sojourning, visiting, in transit, or residing in such city, town, county, or local area report or make himself known as a convicted felon or make application for and/or carry on his person a felon identification card or other registration document.)~~ Local law enforcement agencies may require persons convicted of sex offenses to register pursuant to section 402 of this 1990 act. In addition, nothing (herein) in this section shall (however) be construed to prevent any local law enforcement authority from recording the residency and other information concerning any convicted felon or other person convicted of a criminal offense when such information is obtained from a source other than from (such requirement) registration pursuant to section 402 of this 1990 act which source may include any officer or other agency or subdivision of the state.

PART V

CRIME VICTIMS' COMPENSATION

Sec. 501. Section 6, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 98, Laws of 1986 and RCW 7.68.060 are each amended to read as follows:

(1) For the purposes of applying for benefits under this chapter, the rights, privileges, responsibilities, duties, limitations and procedures contained in RCW 51.28.020, 51.28.030, 51.28.040 and 51.28.060 as now or hereafter amended shall apply: PROVIDED, That no compensation of any kind shall be available under this chapter if:

(a) An application for benefits is not received by the department within one year after the date the criminal act was reported to a local police department or sheriff's office or the date the rights of dependents or beneficiaries accrued; or

(b) The criminal act is not reported by the victim or someone on his or her behalf to a local police department or sheriff's office within ~~(seventy-two hours)~~ twelve months of its occurrence or, if it could not reasonably have been reported within that period, within ~~(seventy-two hours)~~ twelve months of the time when a report could reasonably have been made. In making determinations as to reasonable time limits, the department shall give greatest weight to the needs of the victims.

(2) This section shall apply only to criminal acts reported after December 31, 1985.

(3) Because victims of childhood criminal acts may repress conscious memory of such criminal acts far beyond the age of eighteen, the rights of adult victims of childhood criminal acts shall accrue at the time the victim discovers or reasonably should have discovered the elements of the crime. In making determinations as to reasonable time limits, the department shall give greatest weight to the needs of the victim.

Sec. 502. Section 7, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 5, Laws of 1989 1st ex. sess. and RCW 7.68.070 are each amended to read as follows:

The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51.32 RCW as now or hereafter amended except as provided in this section:

(1) The provisions contained in RCW 51.32.015, 51.32.030, 51.32.072, 51.32.073, 51.32.180, 51.32.190, and 51.32.200 as now or hereafter amended are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, or the victim's family or dependents in case of death of the victim, are entitled to benefits in accordance with this chapter, subject to the limitations under RCW 7.68.015. The rights, duties, responsibilities, limitations, and procedures applicable to a worker as contained in RCW 51.32.010 as now or hereafter amended are applicable to this chapter.

(3) The limitations contained in RCW 51.32.020 as now or hereafter amended are applicable to claims under this chapter. In addition thereto, no person or spouse, child, or dependent of such person is entitled to benefits under this chapter when the injury for which benefits are sought, was:

(a) The result of consent, provocation, or incitement by the victim;

(b) Sustained while the crime victim was engaged in the attempt to commit, or the commission of, a felony; or

(c) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services or the department of corrections, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services or the department of corrections.

(4) The benefits established upon the death of a worker and contained in RCW 51.32.050 as now or hereafter amended shall be the benefits obtainable under this chapter and provisions relating to payment contained in that section shall equally apply under this chapter: PROVIDED, That benefits for burial expenses shall not exceed the maximum cost used by the department of social and health services for the funeral and burial of a deceased indigent person under chapter 74.08 RCW in any claim: PROVIDED FURTHER, That if the criminal act results in the death of a victim who was not gainfully employed at the time of the criminal act, and who was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act:

(a) Benefits payable to an eligible surviving spouse, where there are no children of the victim at the time of the criminal act who have survived the victim or where such spouse has legal custody of all of his or her children, shall be limited to burial expenses and a lump sum payment of seven thousand five hundred dollars without reference to number of children, if any:

(b) Where any such spouse has legal custody of one or more but not all of such children, then such burial expenses shall be paid, and such spouse shall receive a lump sum payment of three thousand seven hundred fifty dollars and any such child or children not in the legal custody of such spouse shall receive a lump sum of three thousand seven hundred fifty dollars to be divided equally among such child or children;

(c) If any such spouse does not have legal custody of any of the children, the burial expenses shall be paid and the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars and any such child or children not in the legal custody of the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars to be divided equally among the child or children;

(d) If no such spouse survives, then such burial expenses shall be paid, and each surviving child of the victim at the time of the criminal act shall receive a lump sum payment of three thousand seven hundred fifty dollars up to a total of two such children and where there are more than two such children the sum of seven thousand five hundred dollars shall be divided equally among such children.

No other benefits may be paid or payable under these circumstances.

(5) The benefits established in RCW 51.32.060 as now or hereafter amended for permanent total disability proximately caused by the criminal act shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That if a victim becomes permanently and totally disabled as a proximate result of the criminal act and was not gainfully employed at the time of the criminal act, the victim shall receive monthly during the period of the disability the following percentages, where applicable, of the average monthly wage determined as of the date of the criminal act pursuant to RCW 51.08.018 as now or hereafter amended:

(a) If married at the time of the criminal act, twenty-nine percent of the average monthly wage.

(b) If married with one child at the time of the criminal act, thirty-four percent of the average monthly wage.

(c) If married with two children at the time of the criminal act, thirty-eight percent of the average monthly wage.

(d) If married with three children at the time of the criminal act, forty-one percent of the average monthly wage.

(e) If married with four children at the time of the criminal act, forty-four percent of the average monthly wage.

(f) If married with five or more children at the time of the criminal act, forty-seven percent of the average monthly wage.

(g) If unmarried at the time of the criminal act, twenty-five percent of the average monthly wage.

(h) If unmarried with one child at the time of the criminal act, thirty percent of the average monthly wage.

(i) If unmarried with two children at the time of the criminal act, thirty-four percent of the average monthly wage.

(j) If unmarried with three children at the time of the criminal act, thirty-seven percent of the average monthly wage.

(k) If unmarried with four children at the time of the criminal act, forty percent of the average monthly wage.

(l) If unmarried with five or more children at the time of the criminal act, forty-three percent of the average monthly wage.

(6) The benefits established in RCW 51.32.080 as now or hereafter amended for permanent partial disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section equally apply under this chapter.

(7) The benefits established in RCW 51.32.090 as now or hereafter amended for temporary total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That no person is eligible for temporary total disability benefits under this chapter if such person was not gainfully employed at the time of the criminal act, and was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act.

(8) The benefits established in RCW 51.32.095 as now or hereafter amended for continuation of benefits during vocational rehabilitation shall be benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That benefits shall not exceed five thousand dollars for any single injury.

(9) The provisions for lump sum payment of benefits upon death or permanent total disability as contained in RCW 51.32.130 as now or hereafter amended apply under this chapter.

(10) The provisions relating to payment of benefits to, for or on behalf of workers contained in RCW 51.32.040, 51.32.055, 51.32.100, 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160, and 51.32.210 as now or hereafter amended are applicable to payment of benefits to, for or on behalf of victims under this chapter.

(11) No person or spouse, child, or dependent of such person is entitled to benefits under this chapter where the person making a claim for such benefits has refused to give reasonable cooperation to state or local law enforcement agencies in their efforts to apprehend and convict the perpetrator(s) of the criminal act which gave rise to the claim.

(12) In addition to other benefits provided under this chapter, victims of sexual assault are entitled to receive appropriate counseling. Fees for such counseling shall be determined by the department in accordance with RCW 51.04.030, subject to the limitations of RCW 7.68.080. Counseling services may include, if determined appropriate by the department, counseling of members of the victim's immediate family, other than the perpetrator of the assault.

(13) Except for medical benefits authorized under RCW 7.68.080, no more than ~~((fifteen))~~ seventy thousand dollars shall be granted as a result of a single injury or death, except that benefits granted as the result of total permanent disability or death shall not exceed ~~((twenty))~~ eighty thousand dollars.

(14) Notwithstanding other provisions of this chapter and Title 51 RCW, benefits payable for total temporary disability under subsection (7) of this section, shall be limited to ~~((ten))~~ fifteen thousand dollars.

(15) Any person who is responsible for the victim's injuries, or who would otherwise be unjustly enriched as a result of the victim's injuries, shall not be a beneficiary under this chapter.

(16) Crime victims' compensation is not available to pay for services covered under chapter 74.09 RCW or Title XIX of the federal social security act, except to the extent that the costs for such services exceed service limits established by the department of social and health services.

Sec. 503, Section 8, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 6, chapter 5, Laws of 1989 1st ex. sess. and RCW 7.68.080 are each amended to read as follows:

The provisions of chapter 51.36 RCW as now or hereafter amended govern the provision of medical aid under this chapter to victims injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, except that:

(1) The provisions contained in RCW 51.36.030, 51.36.040, and 51.36.080 as now or hereafter amended do not apply to this chapter:

(2) The specific provisions of RCW 51.36.020 as now or hereafter amended relating to supplying emergency transportation do not apply: PROVIDED, That:

(a) When the injury to any victim is so serious as to require the victim's being taken from the place of injury to a place of treatment, reasonable transportation costs to the nearest place of proper treatment shall be reimbursed from the fund established pursuant to RCW 7.68.090; and

(b) In the case of alleged rape or molestation of a child the reasonable costs of a colposcope examination shall be reimbursed from the fund pursuant to RCW 7.68.090. Hospital, clinic, and medical charges along with all related fees under this chapter shall conform to regulations promulgated by the director. The director shall set these service levels and fees at a level no lower than those established by the department of social and health services under Title 74 RCW. In establishing fees for medical and other health care services, the director shall consider the director's duty to purchase health care in a prudent, cost-effective manner. The director shall establish rules adopted in accordance with chapter 34.05 RCW. Nothing in this chapter may be construed to require the payment of interest on any billing, fee, or charge.

Sec. 504. Section 3, chapter 5, Laws of 1989 1st ex. sess. and RCW 7.68.085 are each amended to read as follows:

The director of labor and industries shall institute a cap on medical benefits of one hundred fifty thousand dollars per ((victim)) injury or death. Payment for medical services in excess of the cap shall be made available to any innocent victim under the same conditions as other medical services and if the medical services are:

(1) Necessary for a previously accepted condition;

(2) Necessary to protect the victim's life or prevent deterioration of the victim's previously accepted condition; and

(3) Not available from an alternative source.

The director of financial management and the director of labor and industries shall monitor expenditures from the public safety and education account. Once each fiscal quarter, the director of financial management shall determine if expenditures from the public safety and education account during the prior fiscal quarter exceeded allotments by more than ten percent. Within thirty days of a determination that expenditures exceeded allotments by more than ten percent, the director of financial management shall develop and implement a plan to reduce expenditures from the account to a level that does not exceed the allotments. Such a plan may include across-the-board reductions in allotments from the account to all nonjudicial agencies except for the crime victims compensation program. In implementing the plan, the director of financial management shall seek the cooperation of judicial agencies in reducing their expenditures from the account. The director of financial management shall notify the legislative fiscal committees prior to implementation of the plan.

Development and implementation of the plan is not required if the director of financial management notifies the legislative fiscal committees that increases in the official revenue forecast for the public safety and education account for that fiscal quarter will eliminate the need to reduce expenditures from the account. The official revenue forecast for the public safety and education account shall be prepared by the economic and revenue forecast council pursuant to RCW 82.01.120 and 82.01.130.

For the purposes of this section, an individual will not be required to use his or her assets other than funds recovered as a result of a civil action or criminal restitution, for medical expenses or pain and suffering, in order to qualify for an alternative source of payment.

The director shall, in cooperation with the department of social and health services, establish by October 1, 1989, a process to aid crime victims in identifying and applying for appropriate alternative benefit programs, if any, administered by the department of social and health services.

PART VI

SEXUAL MOTIVATION IN CRIMINAL OFFENSES

NEW SECTION, Sec. 601. A new section is added to chapter 9.94A RCW to read as follows:

(1) The prosecuting attorney shall file a special allegation of sexual motivation in every criminal case other than sex offenses as defined in RCW 9.94A.030(29) (a) or (c) when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding of sexual motivation by a reasonable and objective fact finder.

(2) In a criminal case wherein there has been a special allegation the state shall prove beyond a reasonable doubt that the accused committed the crime with a sexual motivation. The court shall make a finding of fact of whether or not a sexual motivation was present at the time of the commission of the crime, or if a jury trial is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether or not the defendant committed the crime with a sexual motivation. This finding shall not be applied to sex offenses as defined in RCW 9.94A.030(29) (a) or (c).

(3) The prosecuting attorney shall not withdraw the special allegation of sexual motivation without approval of the court through an order of dismissal of the special allegation. The court shall not dismiss this special allegation unless it finds that such an order is necessary to correct

an error in the initial charging decision or unless there are evidentiary problems which make proving the special allegation doubtful.

Sec. 602, Section 2, chapter 252, Laws of 1989 and section 1, chapter 394, Laws of 1989 and RCW 9.94A.030 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means (~~a one-year~~) that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(12) (a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" shall always include juvenile convictions for sex offenses and shall also include(s) a defendant's other prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(13) "Department" means the department of corrections.

(14) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(15) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services,

whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(16) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(17) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to comply with any limitations on the inmate's movements while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(18) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(19) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(20) (a) "First-time offender" means any person who is convicted of a felony (i) not classified as a violent offense or a sex offense under this chapter, or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction except for adjudications of sex offenses.

(21) "Nonviolent offense" means an offense which is not a violent offense.

(22) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(23) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention has been ordered by the court, in the residence of either the defendant or a member of the defendant's immediate family, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release and home detention as defined in this section.

(24) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(25) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(26) "Serious traffic offense" means:

(a) Driving while intoxicated (RCW 46.61.502), actual physical control while intoxicated (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(27) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(28) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(29) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes: ~~((or))~~

(b) A felony with a finding of sexual motivation under section 601 of this 1990 act; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(30) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(31) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((32))~~ (32) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((32))~~ (33) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, ~~((child molestation in the first degree, rape in the second degree,))~~ kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, robbery in the second degree, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((33))~~ (34) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

~~((34))~~ (35) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, any drug offense, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, unlawful imprisonment as defined in RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home detention may be imposed for offenders convicted of possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403) if the offender fulfills the participation conditions set forth in this subsection and is monitored for drug use by treatment alternatives to street crime (TASC) or a comparable court or agency-referred program. Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender: (a) Successfully completing twenty-one days in a work release program, (b) having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary, (c) having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense, (d) having no prior charges of escape, and (e) fulfilling the other conditions of the home detention program. Participation in a home detention program shall be conditioned upon: (a) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender, (b) abiding by the rules of the home detention program, and (c) compliance with court-ordered legal financial obligations. The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.

Sec. 603, Section 10, chapter 115, Laws of 1983 as last amended by section 1, chapter 408, Laws of 1989 and RCW 9.94A.390 are each amended to read as follows:

If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the sentence is subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

(c) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time;

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(d) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; or

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; or

(iii) The current offense involved the manufacture of controlled substances for use by other parties; or

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy; or

(v) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional); or

(e) The current offense included a finding of sexual motivation pursuant to section 601 of this 1990 act;

(f) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time; or

((f)) (g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

NEW SECTION, Sec. 604. A new section is added to chapter 13.40 RCW to read as follows:

(1) The prosecuting attorney shall file a special allegation of sexual motivation in every juvenile offense other than sex offenses as defined in RCW 9.94A.030(29) (a) or (c) when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably consistent defense that could be raised under the evidence, would justify a finding of sexual motivation by a reasonable and objective fact finder.

(2) In a juvenile case wherein there has been a special allegation the state shall prove beyond a reasonable doubt that the juvenile committed the offense with a sexual motivation. The court shall make a finding of fact of whether or not the sexual motivation was present at the time of the commission of the offense. This finding shall not be applied to sex offenses as defined in RCW 9.94A.030(29) (a) or (c).

(3) The prosecuting attorney shall not withdraw the special allegation of "sexual motivation" without approval of the court through an order of dismissal. The court shall not dismiss the special allegation unless it finds that such an order is necessary to correct an error in the initial charging decision or unless there are evidentiary problems which make proving the special allegation doubtful.

Sec. 605. Section 69, chapter 291, Laws of 1977 ex. sess. as last amended by section 12, chapter 299, Laws of 1981 and RCW 13.40.150 are each amended to read as follows:

(1) In disposition hearings all relevant and material evidence, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value, even though such evidence may not be admissible in a hearing on the information. The youth or the youth's counsel and the prosecuting attorney shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports when such individuals are reasonably available, but sources of confidential information need not be disclosed. The prosecutor and counsel for the juvenile may submit recommendations for disposition.

(2) For purposes of disposition:

- (a) Violations which are current offenses count as misdemeanors;
- (b) Violations may not count as part of the offender's criminal history;
- (c) In no event may a disposition for a violation include confinement.

(3) Before entering a dispositional order as to a respondent found to have committed an offense, the court shall hold a disposition hearing, at which the court shall:

- (a) Consider the facts supporting the allegations of criminal conduct by the respondent;
- (b) Consider information and arguments offered by parties and their counsel;
- (c) Consider any predisposition reports;

(d) Afford the respondent and the respondent's parent, guardian, or custodian an opportunity to speak in the respondent's behalf;

(e) Allow the victim or a representative of the victim and an investigative law enforcement officer to speak;

(f) Determine the amount of restitution owing to the victim, if any;

(g) Determine whether the respondent is a serious offender, a middle offender, or a minor or first offender;

(h) Consider whether or not any of the following mitigating factors exist:

(i) The respondent's conduct neither caused nor threatened serious bodily injury or the respondent did not contemplate that his or her conduct would cause or threaten serious bodily injury;

(ii) The respondent acted under strong and immediate provocation;

(iii) The respondent was suffering from a mental or physical condition that significantly reduced his or her culpability for the offense though failing to establish a defense;

(iv) Prior to his or her detection, the respondent compensated or made a good faith attempt to compensate the victim for the injury or loss sustained; and

(v) There has been at least one year between the respondent's current offense and any prior criminal offense;

(i) Consider whether or not any of the following aggravating factors exist:

(i) In the commission of the offense, or in flight therefrom, the respondent inflicted or attempted to inflict serious bodily injury to another;

(ii) The offense was committed in an especially heinous, cruel, or depraved manner;

(iii) The victim or victims were particularly vulnerable;

(iv) The respondent has a recent criminal history or has failed to comply with conditions of a recent dispositional order or diversion agreement;

(v) The current offense included a finding of sexual motivation pursuant to section 601 of this 1990 act;

(vi) The respondent was the leader of a criminal enterprise involving several persons; and

~~((vii))~~ (vii) There are other complaints which have resulted in diversion or a finding or plea of guilty but which are not included as criminal history.

(4) The following factors may not be considered in determining the punishment to be imposed:

(a) The sex of the respondent;

(b) The race or color of the respondent or the respondent's family;

(c) The creed or religion of the respondent or the respondent's family;

(d) The economic or social class of the respondent or the respondent's family; and

(e) Factors indicating that the respondent may be or is a dependent child within the meaning of this chapter.

(5) A court may not commit a juvenile to a state institution solely because of the lack of facilities, including treatment facilities, existing in the community.

PART VII
CRIMINAL SENTENCING

Sec. 701, Section 2, chapter 115, Laws of 1983 as last amended by section 1, chapter 124, Laws of 1989 and by section 101, chapter 271, Laws of 1989 and RCW 9.94A.310 are each re-enacted and amended to read as follows:

(1) TABLE I
Sentencing Grid

| SERIOUSNESS SCORE | OFFENDER SCORE | | | | | | | | | |
|-------------------|--|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|-----------------------|-----------------------|----------------------|
| | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 or more |
| (XIV) XV | Life Sentence without Parole/Death Penalty | | | | | | | | | |
| (XIII) XIV | 23y4m 240- 320 | 24y4m 250- 333 | 25y4m 261- 347 | 26y4m 271- 361 | 27y4m 281- 374 | 28y4m 291- 388 | 30y4m 312- 416 | 32y10m 338- 450 | 36y 370- 493 | 40y 411- 548 |
| (XII) XIII | 12y 123- 164 | 13y 134- 178 | 14y 144- 192 | 15y 154- 205 | 16y 165- 219 | 17y 175- 233 | 19y 195- 260 | 21y 216- 288 | 25y 257- 342 | 29y 298- 397 |
| (XI) XII | 6y 62- 82 | 6y9m 69- 92 | 7y6m 77- 102 | 8y3m 85- 113 | 9y 93- 123 | 9y9m 100- 133 | 12y6m 129- 171 | 13y6m 139- 185 | 15y6m 159- 212 | 17y6m 180- 240 |
| XII | 9y 93- 123 | 9y11m 102- 136 | 10y9m 111- 147 | 11y8m 120- 160 | 12y6m 129- 171 | 13y5m 138- 184 | 15y9m 162- 216 | 17y3m 178- 236 | 20y3m 209- 277 | 23y3m 240- 318 |
| XI | 7y6m 78- 102 | 8y4m 86- 114 | 9y2m 95- 125 | 9y11m 102- 136 | 10y9m 111- 147 | 11y7m 120- 158 | 14y2m 146- 194 | 15y5m 159- 211 | 17y11m 185- 245 | 20y5m 210- 280 |
| X | 5y 51- 68 | 5y6m 57- 75 | 6y 62- 82 | 6y6m 67- 89 | 7y 72- 96 | 7y6m 77- 102 | 9y6m 98- 130 | 10y6m 108- 144 | 12y6m 129- 171 | 14y6m 149- 198 |
| IX | 3y 31- 41 | 3y6m 36- 48 | 4y 41- 54 | 4y6m 46- 61 | 5y 51- 68 | 5y6m 57- 75 | 7y6m 77- 102 | 8y6m 87- 116 | 10y6m 108- 144 | 12y6m 129- 171 |
| VIII | 2y 21- 27 | 2y6m 26- 34 | 3y 31- 41 | 3y6m 36- 48 | 4y 41- 54 | 4y6m 46- 61 | 6y6m 67- 89 | 7y6m 77- 102 | 8y6m 87- 116 | 10y6m 108- 144 |
| VII | 18m 15- 20 | 2y 21- 27 | 2y6m 26- 34 | 3y 31- 41 | 3y6m 36- 48 | 4y 41- 54 | 5y6m 57- 75 | 6y6m 67- 89 | 7y6m 77- 102 | 8y6m 87- 116 |
| VI | 13m 12+- 14 | 18m 15- 20 | 2y 21- 27 | 2y6m 26- 34 | 3y 31- 41 | 3y6m 36- 48 | 4y6m 46- 61 | 5y6m 57- 75 | 6y6m 67- 89 | 7y6m 77- 102 |
| V | 9m 6- 12 | 13m 12+- 14 | 15m 13- 17 | 18m 15- 20 | 2y2m 22- 29 | 3y2m 33- 43 | 4y 41- 54 | 5y 51- 68 | 6y 62- 82 | 7y 72- 96 |
| IV | 6m 3- 9 | 9m 6- 12 | 13m 12+- 14 | 15m 13- 17 | 18m 15- 20 | 2y2m 22- 29 | 3y2m 33- 43 | 4y2m 43- 57 | 5y2m 53- 70 | 6y2m 63- 84 |
| III | 2m 1- 3- | 5m 3- 4- | 8m 4- 9- | 11m 9- 12+- | 14m 12+- 17- | 20m 17- 22- | 2y2m 22- 33- | 3y2m 33- 43- | 4y2m 43- 51- | 5y 51- |

| | SERIOUSNESS SCORE | | | OFFENDER SCORE | | | | | | |
|----|-------------------|-----------|----|----------------|------|-----|------|------|------|-----------|
| | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 or more |
| | 3 | 8 | 12 | 12 | 16 | 22 | 29 | 43 | 57 | 68 |
| II | | 4m | 6m | 8m | 13m | 16m | 20m | 2y2m | 3y2m | 4y2m |
| | 0-90 Days | 2- | 3- | 4- | 12+- | 14- | 17- | 22- | 33- | 43- |
| | | 6 | 9 | 12 | 14 | 18 | 22 | 29 | 43 | 57 |
| I | | | 3m | 4m | 5m | 8m | 13m | 16m | 20m | 2y2m |
| | 0-60 Days | 0-90 Days | 2- | 2- | 3- | 4- | 12+- | 14- | 17- | 22- |
| | | | 5 | 6 | 8 | 12 | 14 | 18 | 22 | 29 |

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent.

(3) The following additional times shall be added to the presumptive sentence if the offender or an accomplice was armed with a deadly weapon as defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice was armed with a deadly weapon and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following times shall be added to the presumptive range determined under subsection (2) of this section:

(a) 24 months for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW 9A.56.200), or Kidnapping 1 (RCW 9A.40.020)

(b) 18 months for Burglary 1 (RCW 9A.52.020)

(c) 12 months for Assault 2 (RCW 9A.36.020 or 9A.36.021), Escape 1 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080), or any drug offense.

(4) The following additional times shall be added to the presumptive sentence if the offender or an accomplice committed the offense while in a county jail or state correctional facility as that term is defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility as that term is defined in this chapter, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following times shall be added to the presumptive sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(a)(1)(i);

(b) Fifteen months for offenses committed under RCW 69.50.401(a)(1)(ii), (iii), and (iv);

(c) Twelve months for offenses committed under RCW 69.50.401(d).

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(5) An additional twenty-four months shall be added to the presumptive sentence for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

Sec. 702. Section 1, chapter 99, Laws of 1989, section 102, chapter 271, Laws of 1989, section 1, chapter 405, Laws of 1989, section 3, chapter 412, Laws of 1989, section 3, chapter 1, Laws of 1989 2nd sess. and RCW 9.94A.320 are each reenacted and amended to read as follows:

TABLE 2
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

~~(XIV)~~

XV Aggravated Murder 1 (RCW 10.95.020)

~~(XIII)~~

XIV Murder 1 (RCW 9A.32.030)
Homicide by abuse (RCW 9A.32.055)

~~(XII)~~

XIII Murder 2 (RCW 9A.32.050)

~~(XI)~~

XII Assault 1 (RCW 9A.36.011)

XI

Rape 1 (RCW 9A.44.040)
Rape of a Child 1 (RCW 9A.44.073)

X

Kidnapping 1 (RCW 9A.40.020)
~~(Rape 1 (RCW 9A.44.040)
Rape of a Child 1 (RCW 9A.44.073))~~

- Rape 2 (RCW 9A.44.050)
Rape of a Child 2 (RCW 9A.44.076)
Child Molestation 1 (RCW 9A.44.083)
 Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
 Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 (RCW 69.50.406)
- IX Leading Organized Crime (RCW 9A.82.060(1)(a))
 Robbery 1 (RCW 9A.56.200)
 Manslaughter 1 (RCW 9A.32.060)
 Explosive devices prohibited (RCW 70.74.180)
Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
 Endangering life and property by explosives with threat to human being (RCW 70.74.270)
 Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
 Controlled Substance Homicide (RCW 69.50.415)
 Sexual Exploitation (~~(Under 16)~~) (RCW 9.68A.040(~~((2)(a))~~))
 Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
- VIII Arson 1 (RCW 9A.48.020)
 (~~(Rape 2 (RCW 9A.44.050)~~
~~Rape of a Child 2 (RCW 9A.44.076)~~
~~Child Molestation 1 (RCW 9A.44.083))~~
 Promoting Prostitution 1 (RCW 9A.88.070)
 Selling heroin for profit (RCW 69.50.410)
 Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
 Manufacture, deliver, or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
 Vehicular Homicide, by being under the influence of intoxicating liquor or any drug or by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)
 Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
 Introducing Contraband 1 (RCW 9A.76.140)
 Indecent Liberties (~~((with))~~ without forcible compulsion) (RCW 9A.44.100(1)(~~((a))~~) (b) and (c))
 (~~(Sexual Exploitation, Under 18 (RCW 9.68A.040(2)(b)))~~)
Child Molestation 2 (RCW 9A.44.086)
 Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
 Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
- VI Involving a minor in drug dealing (RCW 69.50.401(f))
 Bribery (RCW 9A.68.010)
 Manslaughter 2 (RCW 9A.32.070)
 (~~(Child Molestation 2 (RCW 9A.44.086))~~)
Rape of a Child 3 (RCW 9A.44.079)
 Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
 Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
 Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
 (~~(Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c)))~~)
 Incest 1 (RCW 9A.64.020(1))
 Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410)
 Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) (RCW 69.50.401(a)(1)(i))
 Intimidating a Judge (RCW 9A.72.160)
- V Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
 Criminal Mistreatment 1 (RCW 9A.42.020)
 Rape 3 (RCW 9A.44.060)
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Child Molestation 3 (RCW 9A.44.089)
 Kidnapping 2 (RCW 9A.40.030)
 Extortion 1 (RCW 9A.56.120)
 Incest 2 (RCW 9A.64.020(2))
 Perjury 1 (RCW 9A.72.020)
 Extortionate Extension of Credit (RCW 9A.82.020)
 Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
 Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
 Rendering Criminal Assistance 1 (RCW 9A.76.070)
 Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))

- Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
- IV Residential Burglary (RCW 9A.52.025)
- Theft of Livestock 1 (RCW 9A.56.080)
- Robbery 2 (RCW 9A.56.210)
- Assault 2 (RCW 9A.36.021)
- Escape 1 (RCW 9A.76.110)
- Arson 2 (RCW 9A.48.030)
- ~~((Rape of a Child 3 (RCW 9A.44.079)))~~
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Malicious Harassment (RCW 9A.36.080)
- Threats to Bomb (RCW 9.61.160)
- Willful Failure to Return from Furlough (RCW 72.66.060)
- Hit and Run — Injury Accident (RCW 46.52.020(4))
- Vehicular Assault (RCW 46.61.522)
- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana or methamphetamines) (RCW 69.50.401(a)(1)(ii) through (iv))
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III Criminal mistreatment 2 (RCW 9A.42.030)
- ~~((Sexual Misconduct with a Minor 1 (RCW 9A.44.093)~~
- ~~Child Molestation 3 (RCW 9A.44.089)))~~
- Extortion 2 (RCW 9A.56.130)
- Unlawful Imprisonment (RCW 9A.40.040)
- Assault 3 (RCW 9A.36.031)
- Custodial Assault (RCW 9A.36.100)
- Unlawful possession of firearm or pistol by felon (RCW 9.41.040)
- Harassment (RCW 9A.46.020)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- Burglary 2 (RCW 9A.52.030)
- Introducing Contraband 2 (RCW 9A.76.150)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Escape 2 (RCW 9A.76.120)
- Perjury 2 (RCW 9A.72.030)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
- Intimidating a Public Servant (RCW 9A.76.180)
- Tampering with a Witness (RCW 9A.72.120)
- Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
- Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
- Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1)).
- Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
- Theft of livestock 2 (RCW 9A.56.080)
- Securities Act violation (RCW 21.20.400)
- II Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
- Possession of phencyclidine (PCP) (RCW 69.50.401(d))
- Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
- Computer Trespass 1 (RCW 9A.52.110)
- Reckless Endangerment 1 (RCW 9A.36.045)
- I Theft 2 (RCW 9A.56.040)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Forgery (RCW 9A.60.020)
- Taking Motor Vehicle Without Permission (RCW 9A.56.070)
- Vehicle Prowl 1 (RCW 9A.52.095)
- Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- Malicious Mischief 2 (RCW 9A.48.080)
- Reckless Burning 1 (RCW 9A.48.040)
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
- False Verification for Welfare (RCW 74.08.055)

Forged Prescription (RCW 69.41.020)

Forged Prescription for a Controlled Substance (RCW 69.50.403)

Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine) (RCW 69.50.401(d))

Sec. 703. Section 6, chapter 115, Laws of 1983 and RCW 9.94A.350 are each amended to read as follows:

The offense seriousness level is determined by the offense of conviction. (~~Felony offenses are divided into fourteen levels of seriousness, ranging from low (seriousness level I) to high (seriousness level XIV — see RCW 9.94A.320 (Table 2)):~~)

Sec. 704. Section 11, chapter 115, Laws of 1983 as last amended by section 24, chapter 143, Laws of 1988 and by section 5, chapter 157, Laws of 1988 and RCW 9.94A.400 are each reenacted and amended to read as follows:

(1) (a) Except as provided in (b) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime. Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.120 and 9.94A.390(2)((~~+~~))~~(f)~~ or any other provision of RCW 9.94A.390. "Same criminal conduct," as used in this subsection, means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. This definition does not apply in cases involving vehicular assault or vehicular homicide if the victims occupied the same vehicle. However, the sentencing judge may consider multiple victims in such instances as an aggravating circumstance under RCW 9.94A.390.

(b) Whenever a person is convicted of (~~three~~) two or more serious violent offenses, as defined in RCW 9.94A.030, arising from separate and distinct criminal conduct, the sentence range for the offense with the highest seriousness level under RCW 9.94A.320 shall be determined using the offender's prior convictions and other current convictions that are not serious violent offenses in the offender score and the sentence range for other serious violent offenses shall be determined by using an offender score of zero. The sentence range for any offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under (b) of this subsection shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection.

(2) Whenever a person while under sentence of felony commits another felony and is sentenced to another term of confinement, the latter term shall not begin until expiration of all prior terms.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence of a felony, the sentence shall run concurrently with any felony sentence which has been imposed by any court in this or another state or by a federal court subsequent to the commission of the crime being sentenced unless the court pronouncing the current sentence expressly orders that they be served consecutively.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) However, in the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community service, community supervision, or any other requirement or conditions of any of the sentences. Except for exceptional sentences as authorized under RCW 9.94A.120(2), if two or more sentences that run consecutively include periods of community supervision, the aggregate of the community supervision period shall not exceed twenty-four months.

Sec. 705. Section 4, chapter 252, Laws of 1989 and RCW 9.94A.120 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than (~~three~~) five years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum (~~three year~~) five-year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (a) Devote time to a specific employment or occupation;
- (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;
- (c) Pursue a prescribed, secular course of study or vocational training;
- (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (e) Report as directed to the court and a community corrections officer; or
- (f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7)(a) (i) When an offender is convicted of a sex offense other than a violation of (~~RCW 9A.44.040~~ ~~or~~) RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony (~~sexual~~) sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (A) Frequency and type of contact between offender and therapist;
- (B) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;
- (D) Anticipated length of treatment; and
- (E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall (~~then determine~~) consider whether the offender and the community will benefit from use of this special sexual offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that (~~both the offender and the community will benefit from use of this provision~~) this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range (~~and~~). If this sentence is less than (~~six~~) eight years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the (~~offender~~) defendant on community supervision for (~~up to two~~) the length of the suspended sentence or three years, whichever is greater; and

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as (~~a~~) conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (~~(i)~~) (I) Devote time to a specific employment or occupation;
- (~~(ii)~~) (~~Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;~~)
- (~~(iii)~~) (II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (~~(iv)~~) (III) Report as directed to the court and a community corrections officer;

~~((v))~~ (IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or

~~((v))~~ (V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community supervision, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community supervision.

(v) The court may revoke the suspended sentence at any time during the period of community supervision and order execution of the sentence if: (A) The ~~((offender))~~ defendant violates ~~((these sentence))~~ the conditions ~~((the court may revoke the suspension and order execution of the sentence))~~ of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(vi) After July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to sections 709 through 717 of this 1990 act.

For purposes of this subsection, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(b) When an offender is convicted of any felony ~~((sexual))~~ sex offense committed before July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of social and health services for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment program at the location determined by the secretary of social and health services or the secretary's designee, only if the report indicates that the offender is amenable to the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.

If the offender does not comply with the conditions of the treatment program, the secretary of social and health services may refer the matter to the sentencing court. The sentencing court shall commit the offender to the department of corrections to serve the balance of the term of confinement.

If the offender successfully completes the treatment program before the expiration of the term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(iii) Report as directed to the court and a community corrections officer;

(iv) Undergo available outpatient treatment.

If the offender violates any of the terms of community supervision, the court may order the offender to serve out the balance of the community supervision term in confinement in the custody of the department of corrections.

After June 30, 1993, this subsection (b) shall cease to have effect.

(c) When an offender commits any felony ~~((sexual))~~ sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to

place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

Nothing in (c) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced for a (~~sexual~~) sex offense committed prior to July 1, 1987. This subsection (c) does not apply to any crime committed after the effective date of this section.

(d) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(8) (a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense(;) or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this (~~section~~) subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) (~~When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense, a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988;)~~ When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or serious violent offense committed on or after July 1, 1990, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, (~~the sentence shall include, in addition to the other terms of the sentence, a one-year~~) the terms of community placement ((on)) for offenders sentenced pursuant to this section shall include the following conditions:

(i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(ii) The offender shall work at department of corrections-approved education, employment, and/or community service;

(iii) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;

(iv) An offender in community custody shall not unlawfully possess controlled substances; and

(v) The offender shall pay supervision fees as determined by the department of corrections.

(c) The court may also order any of the following special conditions:

(i) The offender shall remain within, or outside of, a specified geographical boundary;

(ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(iii) The offender shall participate in crime-related treatment or counseling services;

(iv) The offender shall not consume alcohol;

(v) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or

(vi) The offender shall comply with any crime-related prohibitions.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(9) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(10) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

(11) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(12) All offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligation shall be under the supervision of the secretary of the department of corrections or such person as the secretary may designate and shall follow explicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

(13) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(14) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6).

(15) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(16) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

(17) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release or in a program of home detention.

(18) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

Sec. 706. Section 103, chapter 271, Laws of 1989 and RCW 9.94A.360 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) Except as provided in subsection (4) of this section, class A and sex prior felony convictions shall always be included in the offender score. Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without being convicted of any felonies. Class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without

being convicted of any felonies. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment), pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without being convicted of any serious traffic or felony traffic offenses. This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law.

(4) Always include juvenile convictions for sex offenses. Include other class A juvenile felonies only if the offender was 15 or older at the time the juvenile offense was committed. Include other class B and C juvenile felony convictions only if the offender was 15 or older at the time the juvenile offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.

(5) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(6) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(a) Prior adult offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently whether those offenses shall be counted as one offense or as separate offenses, and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used;

(b) Juvenile prior convictions entered or sentenced on the same date shall count as one offense, the offense that yields the highest offender score, except for juvenile prior convictions for violent offenses with separate victims, which shall count as separate offenses; and

(c) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(7) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense.

(8) If the present conviction is for a nonviolent offense and not covered by subsection (12) ((σ))₂ (13)₂ or (17) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(9) If the present conviction is for a violent offense and not covered in subsection (10), (11), (12), ((σ)) (13), or (17) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Murder 1 or 2, Assault 1, Kidnaping 1, Homicide by Abuse, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(11) If the present conviction is for Burglary 1, count prior convictions as in subsection (9) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(12) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense or serious traffic offense, count one point for each adult and 1/2 point for each juvenile prior conviction.

(13) If the present conviction is for a drug offense count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (9) of this section if the current drug offense is violent, or as in subsection (8) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Willful Failure to Return from Furlough, RCW 72.66.060, or Willful Failure to Return from Work Release, RCW 72.65.070, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(16) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (8) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(17) If the present conviction is for a sex offense, count three points for each adult and juvenile prior sex offense conviction.

(18) If the present conviction is for an offense committed while the offender was under community placement, add one point.

Sec. 707. Section 24, chapter 137, Laws of 1981 as last amended by section 1, chapter 259, Laws of 1989 and RCW 9.95.009 are each amended to read as follows:

(1) On July 1, 1986, the board of prison terms and paroles shall be redesignated as the indeterminate ((sentencing)) sentence review board. The board's membership shall be reduced as follows: On July 1, 1986, and on July 1st of each year until 1998, the number of board members shall be reduced in a manner commensurate with the board's remaining workload as determined by the office of financial management based upon its population forecast for the indeterminate sentencing system and in conjunction with the budget process. To meet the statutory obligations of the indeterminate sentence review board, the number of board members shall not be reduced to fewer than three members, although the office of financial management may designate some or all members as part-time members and specify the extent to which they shall be less than full-time members. Any reduction shall take place by the expiration, on that date, of the term or terms having the least time left to serve.

(2) After July 1, 1984, the board shall continue its functions with respect to persons convicted of crimes committed prior to July 1, 1984, and committed to the department of corrections. When making decisions on duration of confinement, including those relating to persons committed under a mandatory life sentence, and parole release under RCW 9.95.100 and 9.95.110, the board shall consider the purposes, standards, and sentencing ranges adopted pursuant to RCW 9.94A.040 and the minimum term recommendations of the sentencing judge and prosecuting attorney, and shall attempt to make decisions reasonably consistent with those ranges, standards, purposes, and recommendations: PROVIDED, That the board and its successors shall give adequate written reasons whenever a minimum term or parole release decision is made which is outside the sentencing ranges adopted pursuant to RCW 9.94A.040. In making such decisions, the board and its successors shall consider the different charging and disposition practices under the indeterminate sentencing system.

(3) Notwithstanding the provisions of subsection (2) of this section, the indeterminate sentence review board shall give public safety considerations the highest priority when making all discretionary decisions on the remaining indeterminate population regarding the ability for parole, parole release, and conditions of parole.

NEW SECTION. Sec. 708. A new section is added to chapter 72.09 RCW to read as follows:

In making all discretionary decisions regarding supervision of sexually violent offenders, the department of corrections shall set priorities and make decisions based on an assessment of public safety risks rather than the legal category of the sentences.

NEW SECTION. Sec. 709. The legislature finds that sex offender therapists who examine and treat sex offenders pursuant to the special sexual offender sentencing alternative under RCW 9.94A.120(7)(a) and who may treat juvenile sex offenders pursuant to section 302 of this act, play a vital role in protecting the public from sex offenders who remain in the community following conviction. The legislature finds that the qualifications, practices, techniques, and effectiveness of sex offender treatment providers vary widely and that the court's ability to effectively determine the appropriateness of granting the sentencing alternative and monitoring the offender to ensure continued protection of the community is undermined by a lack of regulated practices. The legislature recognizes the right of sex offender therapists to practice, consistent with the paramount requirements of public safety. Public safety is best served by regulating sex offender therapists whose clients are being evaluated and being treated pursuant to RCW 9.94A.120(7)(a) and section 302 of this act. This chapter shall be construed to require only those sex offender therapists who examine and treat sex offenders pursuant to RCW 9.94A.120(7)(a) and section 302 of this act to obtain a sexual offender treatment certification as provided in this chapter.

NEW SECTION. Sec. 710. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Certified sex offender treatment provider" means a licensed, certified, or registered health professional who is certified to examine and treat sex offenders pursuant to RCW 9.94A.120(7)(a) and section 302 of this act.

(2) "Department" means the department of health.

(3) "Secretary" means the secretary of health.

(4) "Sex offender treatment provider" means a person who counsels or treats sex offenders accused of or convicted of a sex offense as defined by RCW 9.94A.030.

NEW SECTION. Sec. 711. (1) No person shall represent himself or herself as a certified sex offender treatment provider without first applying for and receiving a certificate pursuant to this chapter.

(2) Only a certified sex offender treatment provider may perform or provide the following services:

(a) Evaluations conducted for the purposes of and pursuant to RCW 9.94A.120(7)(a) and section 302 of this act;

(b) Treatment of convicted sex offenders who are sentenced and ordered into treatment pursuant to RCW 9.94A.120(7)(a) and adjudicated juvenile sex offenders who are ordered into treatment pursuant to section 302 of this act.

NEW SECTION. Sec. 712. In addition to any other authority provided by law, the secretary shall have the following authority:

(1) To set all fees required in this chapter in accordance with RCW 43.70.250;

(2) To establish forms necessary to administer this chapter;

(3) To issue a certificate to any applicant who has met the education, training, and examination requirements for certification and deny a certificate to applicants who do not meet the minimum qualifications for certification. Proceedings concerning the denial of certificates based on unprofessional conduct or impaired practice shall be governed by the uniform disciplinary act, chapter 18.130 RCW;

(4) To hire clerical, administrative, and investigative staff as needed to implement and administer this chapter and to hire individuals including those certified under this chapter to serve as examiners or consultants as necessary to implement and administer this chapter;

(5) To maintain the official department record of all applicants and certifications;

(6) To conduct a hearing on an appeal of a denial of a certificate on the applicant's failure to meet the minimum qualifications for certification. The hearing shall be conducted pursuant to chapter 34.05 RCW;

(7) To issue subpoenas, statements of charges, statements of intent to deny certificates, and orders and to delegate in writing to a designee the authority to issue subpoenas, statements of charges, and statements of intent to deny certificates;

(8) To determine the minimum education, work experience, and training requirements for certification, including but not limited to approval of educational programs;

(9) To prepare and administer or approve the preparation and administration of examinations for certification;

(10) To establish by rule the procedure for appeal of an examination failure;

(11) To adopt rules implementing a continuing competency program;

(12) To adopt rules in accordance with chapter 34.05 RCW as necessary to implement this chapter.

NEW SECTION. Sec. 713. (1) The sexual offender treatment providers advisory committee is established to advise the secretary concerning the administration of this chapter.

(2) The secretary shall appoint the members of the advisory committee who shall consist of the following persons:

(a) One superior court judge;

(b) Three sexual offender treatment providers;

(c) One mental health practitioner who specializes in treating victims of sexual assault;

(d) One defense attorney with experience in representing persons charged with sexual offenses;

(e) One representative from the Washington association of prosecuting attorneys;

(f) The secretary of the department of social and health services or his or her designee;

(g) The secretary of the department of corrections or his or her designee.

The secretary shall develop and implement the certification procedures with the advice of the committee by July 1, 1991. Following implementation of these procedures by the secretary, the committee shall be a permanent body. The members shall serve staggered six-year terms, to be set by the secretary. No person other than the members representing the departments of social and health services and corrections may serve more than two consecutive terms.

The secretary may remove any member of the advisory committee for cause as specified by rule. In a case of a vacancy, the secretary shall appoint a person to serve for the remainder of the unexpired term.

(3) Committee members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(4) The committee shall elect officers as deemed necessary to administer its duties. A simple majority of the committee members currently serving shall constitute a quorum of the committee.

(5) Members of the advisory committee shall be residents of this state. The members who are sex offender treatment providers must have a minimum of three years of extensive work experience in treating sex offenders to qualify for appointment to the initial committee, which shall develop and implement the certification program. After July 1, 1991, the sex offender treatment providers on the committee must be certified pursuant to this chapter.

(6) The committee shall meet at times as necessary to conduct committee business.

NEW SECTION. Sec. 714. The secretary, members of the committee, and individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any acts performed in the course of their duties.

NEW SECTION. Sec. 715. The department shall issue a certificate to any applicant who meets the following requirements:

(1) Successful completion of an educational program approved by the secretary or successful completion of alternate training which meets the criteria of the secretary;

(2) Successful completion of any experience requirement established by the secretary;

(3) Successful completion of an examination administered or approved by the secretary;

(4) Not having engaged in unprofessional conduct or being unable to practice with reasonable skill and safety as a result of a physical or mental impairment;

(5) Other requirements as may be established by the secretary that impact the competence of the sex offender treatment provider.

NEW SECTION. Sec. 716. The secretary shall establish by rule standards and procedures for approval of the following:

(1) Educational programs and alternate training;

(2) Examination procedures;

(3) Certifying applicants who have a comparable certification in another jurisdiction;

(4) Application method and forms;

(5) Requirements for renewals of certificates;

(6) Requirements of certified sex offender treatment providers who seek inactive status;

(7) Other rules as appropriate to carry out the purposes of this chapter.

NEW SECTION. Sec. 717. The uniform disciplinary act, chapter 18.130 RCW, governs unauthorized practice, the issuance and denial of certificates, and the discipline of certified sex offender treatment providers under this chapter.

Sec. 718. Section 7, chapter 243, Laws of 1988, section 22, chapter 267, Laws of 1988, and section 13, chapter 277, Laws of 1988 and RCW 18.130.040 are each reenacted and amended to read as follows:

(1) This chapter applies only to the (~~(director)~~) secretary and the boards having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2) (a) The (~~(director)~~) secretary has authority under this chapter in relation to the following professions:

- (i) Dispensing opticians licensed under chapter 18.34 RCW;
- (ii) Naturopaths licensed under chapter 18.36A RCW;
- (iii) Midwives licensed under chapter 18.50 RCW;
- (iv) Ocularists licensed under chapter 18.55 RCW;
- (v) Massage operators and businesses licensed under chapter 18.108 RCW;
- (vi) Dental hygienists licensed under chapter 18.29 RCW;
- (vii) Acupuncturists certified under chapter 18.06 RCW;
- (viii) Radiologic technologists certified under chapter 18.84 RCW;
- (ix) Respiratory care practitioners certified under chapter 18.89 RCW;
- (x) Persons registered or certified under chapter 18.19 RCW;
- (xi) Persons registered as nursing pool operators;
- (xii) Nursing assistants registered or certified under chapter 18.52B RCW; (~~and~~)
- (xiii) Dietitians and nutritionists certified under chapter 18.138 RCW; and
- (xiv) Sex offender treatment providers certified under sections 709 through 717 of this 1990 act.

(b) The boards having authority under this chapter are as follows:

- (i) The podiatry board as established in chapter 18.22 RCW;
- (ii) The chiropractic disciplinary board as established in chapter 18.26 RCW governing licenses issued under chapter 18.25 RCW;
- (iii) The dental disciplinary board as established in chapter 18.32 RCW;
- (iv) The council on hearing aids as established in chapter 18.35 RCW;
- (v) The board of funeral directors and embalmers as established in chapter 18.39 RCW;
- (vi) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;
- (vii) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;
- (viii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;
- (ix) The medical disciplinary board as established in chapter 18.72 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;
- (x) The board of physical therapy as established in chapter 18.74 RCW;
- (xi) The board of occupational therapy practice as established in chapter 18.59 RCW;
- (xii) The board of practical nursing as established in chapter 18.78 RCW;
- (xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;
- (xiv) The board of nursing as established in chapter 18.88 RCW; and
- (xv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. However, the board of chiropractic examiners has authority over issuance and denial of licenses provided for in chapter 18.25 RCW, the board of dental examiners has authority over issuance and denial of licenses provided for in RCW 18.32.040, and the board of medical examiners has authority over issuance and denial of licenses and registrations provided for in chapters 18.71 and 18.71A RCW. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

NEW SECTION. Sec. 719. Sections 709 through 717 of this act shall constitute a new chapter in Title 18 RCW.

PART VIII ENHANCED PENALTIES

Sec. 801. Section 5, chapter 14, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 146, Laws of 1988 and RCW 9A.44.050 are each amended to read as follows:

(1) A person is guilty of rape in the second degree when, under circumstances not constituting rape in the first degree, the person engages in sexual intercourse with another person:

- (a) By forcible compulsion;
- (b) When the victim is incapable of consent by reason of being physically helpless or mentally incapacitated; or

(c) When the victim is developmentally disabled and the perpetrator is a person who is not married to the victim and who has supervisory authority over the victim.

(2) Rape in the second degree is a class (~~(B)~~) A felony.

Sec. 802. Section 5, chapter 145, Laws of 1988 and RCW 9A.44.083 are each amended to read as follows:

(1) A person is guilty of child molestation in the first degree when the person has sexual contact with another who is less than twelve years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim.

(2) Child molestation in the first degree is a class ((B)) A felony.

Sec. 803. Section 3, chapter 145, Laws of 1988 and RCW 9A.44.076 are each amended to read as follows:

(1) A person is guilty of rape of a child in the second degree when the person has sexual intercourse with another who is at least twelve years old but less than fourteen years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim.

(2) Rape of a child in the second degree is a class ((B)) A felony.

Sec. 804. Section 9A.88.010, chapter 260, Laws of 1975 1st ex. sess. as amended by section 1, chapter 277, Laws of 1987 and RCW 9A.88.010 are each amended to read as follows:

(1) A person is guilty of indecent exposure if he intentionally makes any open and obscene exposure of his person or the person of another knowing that such conduct is likely to cause reasonable affront or alarm.

(2) Indecent exposure is a misdemeanor unless such person exposes himself to a person under the age of fourteen years in which case indecent exposure is a gross misdemeanor on the first offense and, if such person has previously been convicted under this subsection or of a sex offense as defined in RCW 9.94A.030, then such person is guilty of a class C felony punishable under chapter 9A.20 RCW.

PART IX CIVIL COMMITMENT

NEW SECTION. Sec. 901. The legislature finds that a small but extremely dangerous group of sexually violent predators exist who do not have a mental disease or defect that renders them appropriate for the existing involuntary treatment act, chapter 71.05 RCW, which is intended to be a short-term civil commitment system that is primarily designed to provide short-term treatment to individuals with serious mental disorders and then return them to the community. In contrast to persons appropriate for civil commitment under chapter 71.05 RCW, sexually violent predators generally have antisocial personality features which are unamenable to existing mental illness treatment modalities and those features render them likely to engage in sexually violent behavior. The legislature further finds that sex offenders' likelihood of engaging in repeat acts of predatory sexual violence is high. The existing involuntary commitment act, chapter 71.05 RCW, is inadequate to address the risk to reoffend because during confinement these offenders do not have access to potential victims and therefore they will not engage in an overt act during confinement as required by the involuntary treatment act for continued confinement. The legislature further finds that the prognosis for curing sexually violent offenders is poor, the treatment needs of this population are very long term, and the treatment modalities for this population are very different than the traditional treatment modalities for people appropriate for commitment under the involuntary treatment act.

NEW SECTION. Sec. 902. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence.

(2) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.

(3) "Predatory" means acts directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization.

(4) "Sexually violent offense" means: (a) An act defined in Title 9A RCW as rape in the first degree, rape in the second degree by forcible compulsion, rape of a child in the first or second degree, statutory rape in the first or second degree, indecent liberties by forcible compulsion, indecent liberties against a child under age fourteen, incest against a child under age fourteen, or child molestation in the first or second degree; (b) any conviction for a felony offense in effect at any time prior to the effective date of this section, that is comparable to a sexually violent offense as defined in subsection (4)(a) of this section, or any federal or out-of-state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this subsection; or (c) any act of murder in the first or second degree, assault in the first or second degree, kidnapping in the first or second degree, burglary in the first degree, residential burglary, or unlawful imprisonment, which act, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to this section, has been determined beyond a reasonable doubt to have been sexually motivated, as that term is defined in section 602 of this act; or, as described in chapter 9A.28 RCW, is an attempt, criminal solicitation, or criminal conspiracy to commit one of the felonies designated in (a), (b), or (c) of this subsection.

NEW SECTION. Sec. 903. When it appears that: (1) The sentence of a person who has been convicted of a sexually violent offense is about to or has expired at any time in the past; (2) the term of confinement of a person found to have committed a sexually violent offense as a juvenile is about to or has expired; (3) a person who has been charged with a sexually violent offense and has been determined to be incompetent to stand trial is about to be or has been released pursuant to RCW 10.77.090(3); or (4) a person who has been found not guilty by reason of insanity of a sexually violent offense is about to be released pursuant to RCW 10.77.020(3); and it appears that the person may be a sexually violent predator, the prosecuting attorney of

the county where the person was convicted or charged or the attorney general if requested by the prosecuting attorney may file a petition alleging that the person is a "sexually violent predator" and stating sufficient facts to support such allegation.

NEW SECTION. Sec. 904. Upon the filing of a petition under section 903 of this act, the judge shall determine whether probable cause exists to believe that the person named in the petition is a sexually violent predator. If such determination is made the judge shall direct that the person be taken into custody and the person shall be transferred to an appropriate facility for an evaluation as to whether the person is a sexually violent predator. The evaluation shall be conducted by a person deemed to be professionally qualified to conduct such an examination pursuant to rules developed by the department of social and health services. In adopting such rules, the department of social and health services shall consult with the department of health and the department of corrections.

NEW SECTION. Sec. 905. Within forty-five days after the filing of a petition pursuant to section 903 of this act, the court shall conduct a trial to determine whether the person is a sexually violent predator. At all stages of the proceedings under this chapter, any person subject to this chapter shall be entitled to the assistance of counsel, and if the person is indigent, the court shall appoint counsel to assist him or her. Whenever any person is subjected to an examination under this chapter, he or she may retain experts or professional persons to perform an examination on their behalf. When the person wishes to be examined by a qualified expert or professional person of his or her own choice, such examiner shall be permitted to have reasonable access to the person for the purpose of such examination, as well as to all relevant medical and psychological records and reports. In the case of a person who is indigent, the court shall, upon the person's request, assist the person in obtaining an expert or professional person to perform an examination or participate in the trial on the person's behalf. The person, the prosecuting attorney or attorney general, or the judge shall have the right to demand that the trial be before a jury. If no demand is made, the trial shall be before the court.

NEW SECTION. Sec. 906. (1) The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. If the state alleges that the prior sexually violent offense that forms the basis for the petition for commitment was an act that was sexually motivated as provided in section 902(3)(c) of this act, the state must prove beyond a reasonable doubt that the alleged sexually violent act was sexually motivated as defined in section 602 of this act. If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the department of social and health services in a secure facility for control, care, and treatment until such time as the person's mental abnormality or personality disorder has so changed that the person is safe to be at large. Such control, care, and treatment shall be provided at a facility operated by the department of social and health services. If the court or jury is not satisfied beyond a reasonable doubt that the person is a sexually violent predator, the court shall direct the person's release.

(2) If the person charged with a sexually violent offense has been found incompetent to stand trial, and is about to or has been released pursuant to RCW 10.77.090(3), and his or her commitment is sought pursuant to subsection (1) of this section, the court shall first hear evidence and determine whether the person did commit the act or acts charged if the court did not enter a finding prior to dismissal under RCW 10.77.090(3) that the person committed the act or acts charged. The hearing on this issue must comply with all the procedures specified in this section. In addition, the rules of evidence applicable in criminal cases shall apply, and all constitutional rights available to defendants at criminal trials, other than the right not to be tried while incompetent, shall apply. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act or acts charged, the extent to which the person's incompetence or developmental disability affected the outcome of the hearing, including its effect on the person's ability to consult with and assist counsel and to testify on his or her own behalf, the extent to which the evidence could be reconstructed without the assistance of the person, and the strength of the prosecution's case. If, after the conclusion of the hearing on this issue, the court finds, beyond a reasonable doubt, that the person did commit the act or acts charged, it shall enter a final order, appealable by the person, on that issue, and may proceed to consider whether the person should be committed pursuant to this section.

(3) The state shall comply with RCW 10.77.220 while confining the person pursuant to this chapter. The facility shall not be located at the present Western or Eastern state hospital since these institutions are insufficiently secure for this population.

NEW SECTION. Sec. 907. Each person committed under this chapter shall have a current examination of his or her mental condition made at least once every year. The person may retain, or if he or she is indigent and so requests, the court may appoint a qualified expert or a professional person to examine him or her, and such expert or professional person shall have access to all records concerning the person. The periodic report shall be provided to the court that committed the person under this chapter.

NEW SECTION. Sec. 908. Each person involuntarily detained or committed under this chapter shall have the right to adequate care and individualized treatment.

NEW SECTION. Sec. 909. (1) If the secretary of the department of social and health services determines that the person's mental abnormality or personality disorder has so changed that the person is not likely to commit predatory acts of sexual violence if released, the secretary shall authorize the person to petition the court for release. The petition shall be served upon the court and the prosecuting attorney. The court, upon receipt of the petition for release, shall within forty-five days order a hearing. The prosecuting attorney or the attorney general, if requested by the county, shall represent the state, and shall have the right to have the petitioner examined by an expert or professional person of his or her choice. The hearing shall be before a jury if demanded by either the petitioner or the prosecuting attorney or attorney general.

The burden of proof shall be upon the prosecuting attorney or attorney general to show beyond a reasonable doubt that the petitioner's mental abnormality or personality disorder remains such that the petitioner is not safe to be at large and that if discharged is likely to commit predatory acts of sexual violence.

(2) Nothing contained in this chapter shall prohibit the person from otherwise petitioning the court for discharge without the secretary's approval. The secretary shall provide the committed person with an annual written notice of the person's right to petition the court for release over the secretary's objection. The notice shall contain a waiver of rights. The secretary shall forward the notice and waiver form to the court with the annual report. If the person does not affirmatively waive the right to petition, the court shall set a show cause hearing to determine whether facts exist that warrant a hearing on whether the person's condition has so changed that he or she is safe to be at large. The committed person shall have a right to have an attorney represent him or her at the show cause hearing but the person is not entitled to be present at the show cause hearing. If the court at the show cause hearing determines that probable cause exists to believe that the person's mental abnormality or personality disorder has so changed that the person is safe to be at large and will not engage in acts of sexual violence if discharged, then the court shall set a hearing on the issue. At the hearing, the committed person shall be entitled to be present and to the benefit of all constitutional protections that were afforded to the person at the initial commitment proceeding. The prosecuting attorney or the attorney general if requested by the county shall represent the state and shall have a right to a jury trial and to have the committed person evaluated by experts chosen by the state. The committed person shall also have the right to have experts evaluate him or her on his or her behalf and the court shall appoint an expert if the person is indigent and requests an appointment. The burden of proof at the hearing shall be upon the state to prove by a preponderance of the evidence that the committed person's mental abnormality or personality disorder remains such that the person is not safe to be at large and if released will engage in acts of sexual violence.

NEW SECTION. Sec. 910. Nothing in this chapter shall prohibit a person from filing a petition for discharge pursuant to this chapter. However, if a person has previously filed a petition for discharge without the secretary's approval and the court determined, either upon review of the petition or following a hearing, that the petitioner's petition was frivolous or that the petitioner's condition had not so changed that he or she was safe to be at large, then the court shall deny the subsequent petition unless the petition contains facts upon which a court could find that the condition of the petitioner had so changed that a hearing was warranted. Upon receipt of a first or subsequent petition from committed persons without the secretary's approval, the court shall endeavor whenever possible to review the petition and determine if the petition is based upon frivolous grounds and if so shall deny the petition without a hearing.

NEW SECTION. Sec. 911. The department of social and health services shall be responsible for all costs relating to the evaluation and treatment of persons committed to their custody under any provision of this chapter. Reimbursement may be obtained by the department for the cost of care and treatment of persons committed to its custody pursuant to RCW 43.20B.330 through 43.20B.370.

NEW SECTION. Sec. 912. In addition to any other information required to be released under this chapter, the department is authorized, pursuant to sections 116 through 118 of this act, to release relevant information that is necessary to protect the public, concerning a specific sexually violent predator committed under this chapter.

NEW SECTION. Sec. 913. Sections 901 through 912 of this act shall constitute a new chapter in Title 71 RCW.

PART X BACKGROUND CHECKS

Sec. 1001. Section 1, chapter 486, Laws of 1987 as amended by section 1, chapter 90, Laws of 1989 and by section 1, chapter 334, Laws of 1989 and RCW 43.43.830 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.43.830 through 43.43.840.

(1) "Applicant" means (~~either~~):

(a) Any prospective employee who will or may have unsupervised access to children under sixteen years of age or developmentally disabled persons or vulnerable adults during the course of his or her employment or involvement with the business or organization (~~However, for school districts and educational service districts, prospective employee includes only noncertificated personnel~~); or

(b) Any prospective volunteer who will have regularly scheduled unsupervised access to children under sixteen years of age, developmentally disabled persons, or vulnerable adults during the course of his or her employment or involvement with the business or organization under circumstances where such access will or may involve groups of (i) five or fewer children under twelve years of age, (ii) three or fewer children between twelve and sixteen years of age, (iii) developmentally disabled persons, or (iv) vulnerable adults.

(2) "Business or organization" means a business or organization licensed in this state, any agency of the state, or other governmental entity, that educates, trains, treats, supervises, or provides recreation to developmentally disabled persons, vulnerable adults, or children under sixteen years of age, including school districts and educational service districts.

(3) "Civil adjudication" means a specific court finding of sexual abuse or exploitation or physical abuse in a dependency action under RCW (~~(+3-34-030(2)(b))~~) 13.34.040 or in a domestic relations action under Title 26 RCW. In the case of vulnerable adults, civil adjudication means a specific court finding of abuse or

financial exploitation in a protection proceeding under chapter 74.34 RCW. It does not include administrative proceedings. The term "civil adjudication" is further limited to court findings that identify as the perpetrator of the abuse a named individual, over the age of eighteen years, who was a party to the dependency or dissolution proceeding or was a respondent in a protection proceeding in which the finding was made and who contested the allegation of abuse or exploitation.

(4) "Conviction record" means "conviction record" information as defined in RCW 10.97.030(3) relating to a crime against children or other persons committed by either an adult or a juvenile. It does not include a conviction for an offense that has been the subject of an expungement, pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, or a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. It does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(5) ("~~Disciplinary board final decision~~" means any final decision issued by the disciplinary board or the director of the department of licensing for the following business or professions:

- (a) Chiropractic;
- (b) Dentistry;
- (c) Dental hygiene;
- (d) Drugless healing;
- (e) Massage;
- (f) Midwifery;
- (g) Osteopathy;
- (h) Physical therapy;
- (i) Physicians;
- (j) Practical nursing;
- (k) Registered nursing;
- (l) Psychology; and
- (m) Real estate brokers and salesmen.

(6)) "Crime against children or other persons" means a conviction of any of the following offenses: Aggravated murder; first or second degree murder; first or second degree kidnaping; first, second, or third degree assault; first, second, or third degree rape; first, second, or third degree rape of a child; first or second degree robbery; first degree arson; first degree burglary; first or second degree manslaughter; first or second degree extortion; indecent liberties; incest; vehicular homicide; first degree promoting prostitution; communication with a minor; unlawful imprisonment; simple assault; sexual exploitation of minors; first or second degree criminal mistreatment; child abuse or neglect as defined in RCW 26.44.020; first or second degree custodial interference; malicious harassment; first, second, or third degree child molestation; first or second degree sexual misconduct with a minor; first or second degree rape of a child; patronizing a juvenile prostitute; child abandonment; promoting pornography; selling or distributing erotic material to a minor; custodial assault; violation of child abuse restraining order; child buying or selling; prostitution; felony indecent exposure; or any of these crimes as they may be renamed in the future.

((7)) (6) "Crimes relating to financial exploitation" means a conviction for first, second, or third degree extortion; first, second, or third degree theft; first or second degree robbery; forgery; or any of these crimes as they may be renamed in the future.

(7) "Disciplinary board final decision" means any final decision issued by the disciplinary board or the director of the department of licensing for the following businesses or professions:

- (a) Chiropractic;
- (b) Dentistry;
- (c) Dental hygiene;
- (d) Massage;
- (e) Midwifery;
- (f) Naturopathy;
- (g) Osteopathy;
- (h) Physical therapy;
- (i) Physicians;
- (j) Practical nursing;
- (k) Registered nursing;
- (l) Psychology; and
- (m) Real estate brokers and salesmen.

(8) "Unsupervised" means not in the presence of:

(a) Another employee or volunteer from the same business or organization as the applicant; or
 (b) Any relative or guardian of any of the children or developmentally disabled persons to which the applicant has access during the course of his or her employment or involvement with the business or organization.

(9) "Vulnerable adult" means a person sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself or a patient in a state hospital as defined in chapter 72.23 RCW.

(10) "Financial exploitation" means the illegal or improper use of a vulnerable adult or that adult's resources for another person's profit or advantage.

(11) "Agency" means any person, firm, partnership, association, corporation, or facility which receives, provides services to, houses or otherwise cares for vulnerable adults.

Sec. 1002. Section 2, chapter 486, Laws of 1987 as amended by section 2, chapter 90, Laws of 1989 and by section 2, chapter 334, Laws of 1989 and RCW 43.43.832 are each reenacted and amended to read as follows:

(1) The legislature finds that businesses and organizations providing services to children, developmentally disabled persons, and vulnerable adults need adequate information to determine which employees or licensees to hire or engage. Therefore, the Washington state patrol criminal identification system may disclose, upon the request of a business or organization as defined in RCW 43.43.830, ((a prospective employee's)) an applicant's record for convictions of offenses against children or other persons, convictions for crimes relating to financial exploitation, but only if the victim was a vulnerable adult, adjudications of child abuse in a civil action, the issuance of a protection order against the respondent under chapter 74.34 RCW, and disciplinary board final decisions and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision. When necessary, applicants may be employed on a conditional basis pending completion of such a background investigation.

(2) The legislature also finds that the state board of education may request of the Washington state patrol criminal identification system information regarding a certificate applicant's record for convictions under subsection (1) of this section.

(3) The legislature also finds that law enforcement agencies, the office of the attorney general, prosecuting authorities, and the department of social and health services may request this same information to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse.

(4) The legislature further finds that the department of social and health services, when considering persons for state positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults or when licensing or authorizing such persons or agencies pursuant to its authority under chapter 74.15, 18.51, 18.20, or 72.23 RCW, or any later-enacted statute which purpose is to license or regulate a facility which handles vulnerable adults, must consider the information listed in subsection (1) of this section. However, when necessary, persons may be employed on a conditional basis pending completion of the background investigation. The state personnel board shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.

Sec. 1003. Section 3, chapter 486, Laws of 1987 as amended by section 3, chapter 90, Laws of 1989 and by section 3, chapter 334, Laws of 1989 and RCW 43.43.834 are each reenacted and amended to read as follows:

(1) A business or organization shall not make an inquiry to the Washington state patrol under RCW 43.43.832 or an equivalent inquiry to a federal law enforcement agency unless the business or organization has notified the applicant who has been offered a position as an employee or volunteer, that an inquiry may be made.

(2) A business or organization shall require each applicant to disclose to the business or organization whether the applicant has been:

- (a) Convicted of any crime against children or other persons;
- (b) Convicted of crimes relating to financial exploitation if the victim was a vulnerable adult;
- (c) Found in any dependency action under RCW ((13.34.030(2)(b))) 13.34.040 to have sexually assaulted or exploited any minor or to have physically abused any minor;
- (d) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor;
- (e) Found in any disciplinary board final decision to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult; or
- (f) Found by a court in a protection proceeding under chapter 74.34 RCW, to have abused or financially exploited a vulnerable adult.

The disclosure shall be made in writing and signed by the applicant and sworn under penalty of perjury. The disclosure sheet shall specify all crimes against children or other persons and all crimes relating to financial exploitation as defined in RCW 43.43.830 in which the victim was a vulnerable adult.

(3) The business or organization shall pay such reasonable fee for the records check as the state patrol may require under RCW 43.43.838.

(4) The business or organization shall notify the applicant of the state patrol's response within ten days after receipt by the business or organization. The employer shall provide a copy of the response to the applicant and shall notify the applicant of such availability.

(5) The business or organization shall use this record only in making the initial employment or engagement decision. Further dissemination or use of the record is prohibited. A business or organization violating this subsection is subject to a civil action for damages.

(6) An insurance company shall not require a business or organization to request background information on any employee before issuing a policy of insurance.

(7) The business and organization shall be immune from civil liability for failure to request background information on ((a prospective employee or volunteer)) an applicant unless the failure to do so constitutes gross negligence.

Sec. 1004. Section 5, chapter 486, Laws of 1987 as amended by section 4, chapter 90, Laws of 1989 and by section 4, chapter 334, Laws of 1989 and RCW 43.43.838 are each reenacted and amended to read as follows:

(1) After January 1, 1988, and notwithstanding any provision of RCW 43.43.700 through 43.43.810 to the contrary, the state patrol shall furnish a transcript of the conviction record, disciplinary board final decision and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision, or civil adjudication record pertaining to any person for whom the state patrol or the federal bureau of investigation has a record upon the written request of:

(a) The subject of the inquiry;

(b) Any business or organization for the purpose of conducting evaluations under RCW 43.43.832;

(c) The department of social and health services;

(d) Any law enforcement agency, prosecuting authority, or the office of the attorney general; or

(e) The department of social and health services for the purpose of meeting responsibilities set forth in chapter 74.15, 18.51, 18.20, or 72.23 RCW, or any later-enacted statute which purpose is to regulate or license a facility which handles vulnerable adults. However, access to conviction records pursuant to this subsection (1)(e) does not limit or restrict the ability of the department to obtain additional information regarding conviction records and pending charges as set forth in RCW 74.15.030(2)(b).

After processing the request, if the conviction record, disciplinary board final decision and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision, or adjudication record shows no evidence of a crime against children or other persons or, in the case of vulnerable adults, no evidence of crimes relating to financial exploitation in which the victim was a vulnerable adult, an identification declaring the showing of no evidence shall be issued to the applicant by the state patrol and shall be issued within fourteen working days of the request. Possession of such identification shall satisfy future background check requirements for the applicant for a two-year period unless the prospective employee is any current school district employee who has applied for a position in another school district.

(2) The state patrol shall by rule establish fees for disseminating records under this section to recipients identified in subsection (1)(a) and (b) of this section. The state patrol shall also by rule establish fees for disseminating records in the custody of the national crime information center. The revenue from the fees shall cover, as nearly as practicable, the direct and indirect costs to the state patrol of disseminating the records: PROVIDED, That no fee shall be charged to a nonprofit organization, including school districts and educational service districts, for the records check.

(3) No employee of the state, employee of a business or organization, or the business or organization is liable for defamation, invasion of privacy, negligence, or any other claim in connection with any lawful dissemination of information under RCW 43.43.830 through 43.43.840 or RCW 43.43.760.

(4) Before July 26, 1987, the state patrol shall adopt rules and forms to implement this section and to provide for security and privacy of information disseminated under this section, giving first priority to the criminal justice requirements of this chapter. The rules may include requirements for users, audits of users, and other procedures to prevent use of civil adjudication record information or criminal history record information inconsistent with this chapter.

(5) Nothing in RCW 43.43.830 through 43.43.840 shall authorize an employer to make an inquiry not specifically authorized by this chapter, or be construed to affect the policy of the state declared in chapter 9.96A RCW.

PART XI COMMUNITY ACTION

NEW SECTION. Sec. 1101. The legislature recognizes the need to increase the services available to the victims of sex offenders. The legislature also recognizes that these services are most effectively planned and provided at the local level through the combined efforts of concerned community and citizens groups, treatment providers, and local government officials. The legislature further recognizes that adequate treatment for victims is not only a matter of justice for the victim, but also a method by which additional abuse can be prevented.

The legislature intends to enhance the community-based treatment services available to the victims of sex offenders by:

(1) Providing funding support for local treatment programs which provide services to victims of sex offenders.

(2) Providing technical assistance and support to help communities plan for and provide treatment services; and

(3) Providing communities and local treatment providers with opportunities to share information about successful prevention and treatment programs.

NEW SECTION. Sec. 1102. There is established in the department of community development a grant program to enhance the funding for treating the victims of sex offenders. Activities that can be funded through this grant program are limited to those that:

(1) Provide effective treatment to victims of sex offenders;

(2) Increase access to and availability of treatment for victims of sex offenders, particularly if from underserved populations; and

(3) Create or build on efforts by existing community programs, coordinate those efforts, or develop cooperative efforts or other initiatives to make the most effective use of resources to provide treatment services to these victims.

Funding priority shall be given to those applicants that represent well-established existing programs and applicants that represent new programs that are being created in geographic areas where no programs presently exist.

NEW SECTION. Sec. 1103. There is established in the department of community development an office of crime victims' advocacy to administer grant programs authorized in section 1102 of this act, and to provide other advocacy services to crime victims. The director shall appoint an executive administrator for the programs. The position of administrator is exempt from the civil service laws. The salary of the administrator shall be set by the governor in accordance with RCW 43.03.030.

NEW SECTION. Sec. 1104. Applications for funding under this chapter must:

(1) Present evidence demonstrating how the criteria in section 1101 of this act will be met and demonstrating the effectiveness of the proposal.

(2) Contain evidence of active participation of the community and its commitment to providing an effective treatment service for victims of sex offenders through the participation of local governments, tribal governments, human service and health organizations, and treatment entities and through meaningful involvement from others, including citizen groups.

NEW SECTION. Sec. 1105. Local governments, nonprofit community groups, and nonprofit treatment providers including organizations which provide services, such as emergency housing, counseling, and crisis intervention shall, among others, be eligible for grants under the program established in section 1102 of this act.

NEW SECTION. Sec. 1106. At a minimum, grant applications must include the following:

(1) The geographic area from which the victims to be served are expected to come;

(2) A description of the extent and effect of the needs of these victims within the relevant geographic area;

(3) An explanation of how the funds will be used, their relationship to existing services available within the community, and the need that they will fulfill;

(4) An explanation of what organizations were involved in the development of the proposal; and

(5) An evaluation methodology.

NEW SECTION. Sec. 1107. (1) Subject to funds appropriated by the legislature, the department of community development shall make awards under the grant program established by section 1102 of this act.

(2) Awards shall be made competitively based on the purposes of and criteria in this chapter.

(3) To aid the department of community development in making its determination, the department shall form a peer review committee of members who have experience in the treatment of victims of predatory violent sex offenders. The peer review committee shall advise the department on the extent to which each eligible applicant meets the purposes and criteria of this chapter. The department shall consider this advice in making awards.

(4) Activities funded under this section may be considered for funding in future years, but shall be considered under the same terms and criteria as new activities. Funding under this chapter shall not constitute an obligation by the state of Washington to provide ongoing funding.

NEW SECTION. Sec. 1108. The department of community development shall solicit communities for suggestions on state practices, policies, and priorities that would help communities treat victims of sex offenders. The governor or appropriate agency officials shall review and respond to those suggestions, making necessary changes where feasible, making recommendations to the legislature where appropriate, and providing an explanation as to why suggested changes cannot be accomplished, if the suggestions cannot be acted upon.

NEW SECTION. Sec. 1109. The department of community development may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of this chapter and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

NEW SECTION. Sec. 1110. The department of community development shall report to the legislature by January 1, 1991, regarding the operations of the grant program authorized in section 1102 of this act. The report shall include at least the following:

(1) The number of grants awarded and the amount of each grant;

(2) Identification of the recipients of grants, including the communities in which they are based;

(3) The purposes for which the grants were awarded;

(4) The success of the projects in achieving their stated goals and objectives;

(5) An assessment of the effect that the activities of this act had on encouraging and supporting coordinated treatment services;

(6) Recommendations for further funding by the state; and

(7) Recommendations regarding future operations of the program, including criteria for awarding grants.

NEW SECTION. Sec. 1111. Sections 1101 through 1109 of this act shall constitute a new chapter in Title 43 RCW.

PART XII APPROPRIATIONS

NEW SECTION. Sec. 1201. The sum of one hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of social and health services for the purposes of implementing an expanded victim/witness notification program involving sex and violent offenders who are juveniles or who are incompetent to stand trial or were found not guilty by reason of insanity.

NEW SECTION. Sec. 1202. The sum of two million eight hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund

to the department of social and health services for the operational costs of the disposition and treatment alternatives for juvenile sex offenders.

NEW SECTION. Sec. 1203. The sum of two hundred fifty-three thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the Washington state patrol for the creation and operation of a central registry of sex offenders and for reimbursement to the counties for the costs of implementing the sex offender registration at the county level.

NEW SECTION. Sec. 1204. The sum of seven hundred sixty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the attorney general for the expansion of the homicide investigation and tracking system of serious violent crimes including sex offenses.

NEW SECTION. Sec. 1205. The sum of one million four hundred thirty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the public safety and education account to the department of labor and industries for the purposes of the crime victims' compensation fund.

NEW SECTION. Sec. 1206. The sum of one million three hundred twenty-eight thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of corrections for the following purposes:

(1) One hundred seventy-two thousand dollars is for operational costs associated with additional prison populations due to the increased penalties prescribed by this act.

(2) One million one hundred seven thousand dollars is for the improvement in sex offender treatment.

(3) Forty-nine thousand dollars is for the improvement in computer systems to allow better access to department of corrections' information by the state patrol and local law enforcement.

NEW SECTION. Sec. 1207. The sum of one million eight hundred seventy-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of social and health services for the operating expenditures of the civil commitment process established by sections 901 through 912 of this act. The department of social and health services shall reimburse the counties for the costs of any commitment action brought using this authority.

NEW SECTION. Sec. 1208. The sum of one million three hundred ninety-one thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of social and health services to provide intensive voluntary supervision or treatment services for individuals who are at risk of committing sexual offenses but who cannot be committed civilly or who are not incarcerated. These funds shall be used primarily for developmentally disabled individuals in need of such services.

NEW SECTION. Sec. 1209. The sum of one million eight hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of social and health services to provide intensive treatment and other services to children who have been the victims of sexual offenses. These funds shall be used primarily for juveniles who are at risk of becoming offenders and are in need of residential services or intensive treatment and counseling services.

NEW SECTION. Sec. 1210. The sum of three hundred twenty-seven thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of corrections for the purposes of paying for polygraphs or plethysmographs for indigent individuals who have been convicted of a sex offense and which are required as a condition of their release. Polygraph and plethysmograph testing of sex offenders on supervision shall be conducted with payment reimbursements to the state provided by offenders who are not indigent.

NEW SECTION. Sec. 1211. The sum of six hundred forty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the Washington state institute for public policy for the purpose of beginning a research and evaluation effort to examine the effectiveness of victims' and sex offender programs, including treatment. Decisions regarding the awarding of funds shall be made in consultation with an advisory panel. This advisory panel shall establish criteria to ensure that the funded projects meet the highest standards of methodological rigor and will be of value to state policy makers. In order to provide timely information to policy makers, a portion of the projects shall cover retrospective studies and another portion shall involve the design of longitudinal studies. The institute shall consider applicants from for-profit and nonprofit organizations in addition to public universities and colleges in making awards pursuant to this section.

The advisory panel shall consist of the following:

(1) Three academicians from state public and private universities, to be selected by the institute's board of directors;

(2) The secretary of corrections or his or her designee;

(3) One legislator appointed by the majority leader of the senate and one appointed by the speaker of the house of representatives;

(4) A representative of crime victims, to be appointed by the governor; and

(5) The research director of the sentencing guidelines commission.

One hundred forty thousand dollars of the six hundred forty thousand dollars is appropriated to the Washington state institute for public policy for the purposes of funding the proposed study "Special Sex Offender Sentencing Alternative: A Study of Recidivism and Community Attitudes" to be conducted through the Harborview Medical Center's special assault center and its subcontractors as designated in the proposed study.

NEW SECTION. Sec. 1212. The sum of one hundred six thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of social and health services for the purposes of renovating an institutional cottage to house juvenile sex offenders.

NEW SECTION. Sec. 1213. The sum of nine hundred ninety-one thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of social and health services for the purposes of construction of residential facilities to house a capacity of twenty-four juvenile sex offenders.

NEW SECTION. Sec. 1214. The sum of four hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of community development for programs designed to prevent sexual assault. The department shall contract for specific educational and public information programs designed to educate potential victims on personal safety.

NEW SECTION. Sec. 1215. The sum of two million eight hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of social and health services for early identification and treatment of child victims of sexual assault or abuse. The appropriations in this section are subject to the following conditions and limitations:

(1) One hundred thousand dollars is provided solely for a public education campaign encouraging child victims of sexual assault and abuse and their families to seek treatment and informing them of the availability of treatment. The campaign should emphasize the importance of treatment in breaking the cycle of abuse and victimization.

(2) Two hundred thousand dollars is provided solely for the development of a system of early identification and referral to treatment of child victims of sexual assault and abuse. The system should include schools, physicians, sexual assault centers, domestic violence centers, child protective services, and foster parents.

(3) Two million five hundred thousand dollars is provided solely for contracts or direct purchase of specific treatment services from community organizations and private service providers. Service providers may include, but need not be limited to sexual assault centers, domestic violence shelters, school districts, regional support networks, or where no network exists, the local county mental health authority and private physicians.

NEW SECTION. Sec. 1216. The sum of two million eight hundred thirteen thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of community development for the following purposes:

(1) Two million five hundred thousand dollars is provided solely for the purpose of funding the community treatment grants under sections 1101 through 1109 of this act. In making these grants, the department of community development shall ensure that an appropriate portion of these funds is provided to rural areas.

(2) Two hundred thirteen thousand dollars is provided solely to establish an office of victims' programs. This office shall consist of four full-time positions, one of which shall be exempt, and shall be responsible for operating the community treatment grant program under sections 1101 through 1109 of this act, acting as an ombudsman for victims, and serving as a focal point for victims' issues.

(3) One hundred thousand dollars is for the purpose of ensuring crime victims are aware of their rights and the procedures for applying for benefits from the crime victims' compensation fund.

NEW SECTION. Sec. 1217. The sum of eighty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of health to establish the sexual offender treatment providers advisory committee and to administer the development of a sexual offender treatment providers certification program.

PART XIII

MISCELLANEOUS

NEW SECTION. Sec. 1301. The index and part headings used in this act do not constitute any part of the law.

NEW SECTION. Sec. 1302. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1303. (1) Sections 101 through 131, 401 through 409, 501 through 504, 709 through 718, 901 through 912, 1001 through 1004, and 1101 through 1111 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and existing public institutions, and shall take effect immediately.

(2) The remainder of this act shall take effect July 1, 1990, and shall apply to crimes committed on and after July 1, 1990."

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 13.40.205, 10.77.163, 10.77.165, 10.77.210, 71.05.325, 71.05.390, 71.05.420, 71.05.440, 71.05.670, 9.94A.155, 13.50.050, 9.95.140, 10.97.030, 10.97.050, 70.48.100, 43.43.765, 9.92.151, 9.94A.150, 70.48.210, 13.40.020, 13.40.160, 13.40.110, 13.40.210, 43.43.745, 7.68.060, 7.68.070, 7.68.080, 7.68.085, 9.94A.390, 13.40.150, 9.94A.350, 9.94A.120, 9.94A.360, 9.95.009, 9A.44.050, 9A.44.083, 9A.44.076, and 9A.88.010; reenacting and amending RCW 9.94A.030, 9.94A.310, 9.94A.320, 9.94A.400, 18.130.040, 43.43.830, 43.43.832, 43.43.834, and 43.43.838; adding a new section to chapter 4.24 RCW; adding new sections to

chapter 9.94A RCW; adding a new section to chapter 9.95 RCW; adding a new section to chapter 74.13 RCW; adding new sections to chapter 9A.44 RCW; adding a new section to chapter 10.01 RCW; adding new sections to chapter 10.77 RCW; adding new sections to chapter 13.40 RCW; adding a new section to chapter 43.43 RCW; adding a new section to chapter 46.20 RCW; adding a new section to chapter 70.48 RCW; adding new sections to chapter 71.05 RCW; adding a new section to chapter 71.06 RCW; adding new sections to chapter 72.09 RCW; adding a new chapter to Title 18 RCW; adding a new chapter to Title 71 RCW; adding a new chapter to Title 43 RCW; creating new sections; prescribing penalties; making appropriations; providing an effective date; and declaring an emergency.",

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate did not concur in the House amendments to Engrossed Second Substitute Senate Bill No. 6259 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Second Substitute Senate Bill No. 6259 and the House amendments thereto: Senators Nelson, Talmadge and Newhouse.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MOTION

At 11:19 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 12:11 p.m. by President Pro Tempore Bluechel.

MOTION

At 12:11 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, February 19, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FORTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 19, 1990

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Christa McMullen and Carrie McMullen, presented the Colors. Reverend James Blundell, pastor of St. John's Episcopal Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 15, 1990

SB 6219 Prime Sponsor, Senator Thorsness: Providing for the implementation of a state-wide video telecommunications system for public schools. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6219 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Bailey, Bluechel, Cantu, Gaspard, Johnson, Lee, Moore, Niemi, Owen, Saling, Smith, Talmadge, Warnke.

Passed to Committee on Rules for second reading.

February 15, 1990

SB 6291 Prime Sponsor, Senator Hansen: Regulating purple loosestrife. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6291 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Bailey, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Owen, Smith, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 15, 1990

SB 6419 Prime Sponsor, Senator Thorsness: Creating a jail standards incentive board. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6419 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Amondson, Bailey, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Newhouse, Owen, Saling, Smith, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 15, 1990

SB 6733 Prime Sponsor, Senator Bailey: Establishing school improvement programs. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6733 be substituted therefor, and the second substitute bill do pass. Signed by Senators Dan McDonald, Chairman; Amondson, Bailey, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Newhouse, Saling, Smith.

MINORITY recommendation: That it not be substituted. Signed by Senators Gaspard, Moore, Niemi, Owen, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 15, 1990

SB 6799 Prime Sponsor, Senator Metcalf: Protecting wetlands. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6799, as recommended by Committee on Agriculture, be substituted therefor, and the substitute do pass. Signed by Senators McDonald, Chairman; Cantu, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Owen, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

February 15, 1990

HB 1571 Prime Sponsor, Representative R. Fisher: Changing the procedure for filling port district vacancies. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 15, 1990

SHB 1577 Prime Sponsor, Committee on State Government: Establishing liability for state trust funds. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 15, 1990

SHB 1669 Prime Sponsor, Committee on State Government: Protecting the confidentiality of initiative, referendum, or recall petitioners. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 15, 1990

EHB 1703 Prime Sponsor, Representative R. Fisher: Revising computation of subsistence and travel expenses. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 15, 1990

HB 1747 Prime Sponsor, Representative R. Fisher: Eliminating charges for space in the candidates' pamphlet. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 16, 1990

HB 2525 Prime Sponsor, Representative Miller: Limiting regulation of radio communications services. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Nelson, Owen, Patrick, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

February 16, 1990

HB 2527 Prime Sponsor, Representative Jacobsen: Revising due dates for payment of regulatory fees. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Nelson, Owen, Patrick, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

February 15, 1990

HB 2802 Prime Sponsor, Representative Todd: Enlarging the department of general administration transportation management authority. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Referred to Committee on Ways and Means.

February 15, 1990

EHB 2832 Prime Sponsor, Representative Youngsman: Revising provisions for horticultural plants and facilities. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

February 16, 1990

SHB 2956 Prime Sponsor, Committee on Energy and Utilities: Revising provisions for the management of low-level radioactive waste. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Nelson, Owen, Patrick, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

February 15, 1990

HJM 4006 Prime Sponsor, Representative Anderson: Asking the federal government to adopt a uniform poll closing law. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 15, 1990

REHJR 4203 Prime Sponsor, Representative Cooper: Amending the Constitution to alter the requirements for changing county boundaries. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thorsness, Vice Chairman; DeJarnatt, Sutherland.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 16, 1990

Mr. President:

The House grants the request of the Senate for a conference on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6259. The Speaker has appointed the following members as conferees: Representatives Appelwick, Inslee and Padden.

ALAN THOMPSON, Chief Clerk

February 16, 1990

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2423.

ENGROSSED HOUSE BILL NO. 2939, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 2423 by Committee on Appropriations (originally sponsored by Representatives Prentice, D. Sommers, Sprenkle, Locke, Silver, Tate, Hine, Day, Ballard, Braddock, Holland, Vekich, Bowman, Dorn, Wolfe, G. Fisher, Padden, Leonard, Pruitt, Van Luven, Rector, Wineberry, Doty, Dellwo and Winsley)

Placing a moratorium on the imposition of the cost index lid for nursing homes.

Referred to Committee on Ways and Means.

EHB 2939 by Representatives Braddock, Brooks, Morris, Jacobsen, Silver, Holland, Winsley and Baugher (by request of Department of Corrections)

Removing population limits at certain correctional institutions.

Referred to Committee on Law and Justice.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Engrossed House Bill No. 2567.

On motion of Senator Newhouse, Engrossed House Bill No. 2567 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Higher Education was relieved of further consideration of Engrossed Second Substitute House Bill No. 2624.

On motion of Senator Newhouse, Engrossed Second Substitute House Bill No. 2624 was referred to the Committee on Governmental Operations.

MOTION

On motion of Senator Newhouse, the Senate reverted to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9173, Marcus M. Kelly, as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF MARCUS M. KELLY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; absent, 0; excused, 0.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

Absent: - 0.

Excused: - 0.

MOTION

At 10:17 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:25 a.m. by President Pritchard.

MOTION

At 11:25 a.m., on motion of Senator Newhouse, the Senate adjourned until 11:45 a.m., Tuesday, February 20, 1990.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FORTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 20, 1990

The Senate was called to order at 11:45 a.m. by President Pritchard. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Tracy Hires and James Gutierrez, presented the Colors.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 16, 1990

SB 6803 Prime Sponsor, Senator Thorsness: Establishing procedures for siting of correctional facilities. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6803 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Patrick, Thorsness.

MINORITY recommendation: Do not pass. Signed by Senator Rasmussen.

Passed to Committee on Rules for second reading.

February 19, 1990

HB 1523 Prime Sponsor, Representative Kremen: Revising provisions for contractor advertising. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

February 19, 1990

HB 1682 Prime Sponsor, Representative Brough: Revising provisions for fund raising events by bona fide charitable or nonprofit organizations. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

February 16, 1990

SHB 1746 Prime Sponsor, Committee on Housing: Prohibiting discrimination in real estate transactions because of parental status. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 19, 1990

HB 2032 Prime Sponsor, Representative Todd: Including senior citizen and community centers within the definition of recreational facilities for park and recreation districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 19, 1990

EHB 2260 Prime Sponsor, Representative Ferguson: Changing provisions relating to the Municipal Research Council. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick.

Passed to Committee on Rules for second reading.

February 16, 1990

HB 2306 Prime Sponsor, Representative P. King: Retaining county clerk responsibility for summoning jurors. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 19, 1990

SHB 2320 Prime Sponsor, Committee on Local Government: Changing provisions relating to financing of flood control projects. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 19, 1990

SHB 2337 Prime Sponsor, Committee on Commerce and Labor: Permitting private collective bargaining sessions by public bodies. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 19, 1990

ESHB 2430 Prime Sponsor, Committee on Commerce and Labor: Revising provisions for motor vehicle warranties. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

February 19, 1990

EHB 2472 Prime Sponsor, Representative Cole: Making changes in liquor administration. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; McMullen, Matson, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

February 16, 1990

HB 2492 Prime Sponsor, Representative Appelwick: Authorizing the appointment of district court judges as pro tempore judges in cities over 400,000 population. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 19, 1990

SHB 2539 Prime Sponsor, Committee on Local Government: Amending water and sewer district provisions. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 19, 1990

HB 2550 Prime Sponsor, Representative R. Fisher: Changing provisions relating to the appointment of precinct election officers. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 19, 1990

EHB 2608 Prime Sponsor, Representative Valle: Requiring posting of liquor applications. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; McMullen, Matson, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

February 19, 1990

HB 2687 Prime Sponsor, Representative Rayburn: Authorizing municipal utilities to reimburse the city or town for management services. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 19, 1990

SHB 2708 Prime Sponsor, Committee on Local Government: Authorizing public utility districts to perform sewer inspections. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 19, 1990

ESHB 2801 Prime Sponsor, Committee on Commerce and Labor: Clarifying the definition of collection agencies. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Refer to Committee on Financial Institutions and Insurance with no recommendation. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Saling, Smitherman, Warnke, Williams.

Referred to Committee on Financial Institutions and Insurance.

February 16, 1990

SHB 2887 Prime Sponsor, Committee on Judiciary: Concerning modifying parenting plans. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Newhouse, Patrick, Rasmussen.

MINORITY recommendation: Do not pass. Signed by Senators Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 16, 1990

EHB 2888 Prime Sponsor, Representative Appelwick: Establishing a new child support schedule. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Patrick, Rasmussen, Thorsness.

MINORITY recommendation: Do not pass. Signed by Senators Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 19, 1990

SHB 2933 Prime Sponsor, Committee on Local Government: Studying local government self insurance pools. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 19, 1990

SHB 3007 Prime Sponsor, Committee on Local Government: Relating to notice of employee pension plans provided by third class cities and fourth class municipalities. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Sutherland.

Passed to Committee on Rules for second reading.

MOTION

At 11:51 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Wednesday, February 21, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FORTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 21, 1990

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Matson, McMullen, Patterson and West. On motion of Senator Anderson, Senator West was excused.

The Sergeant at Arms Color Guard, consisting of Pages Michele Patterson and Carl Benitz, presented the Colors. Reverend James Blundell, pastor of St. John's Episcopal Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 20, 1990

SB 6407 Prime Sponsor, Senator McDonald: Adopting the supplemental operating budget. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6407 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Matson, Newhouse, Saling, Smith.

MINORITY recommendation: Do not pass. Signed by Senators Bauer, Fleming, Gaspard, Moore, Niemi, Talmadge, Warnke, Williams, Wojahn.

HOLD.

February 20, 1990

HB 2292 Prime Sponsor, Representative R. King: Authorizing family fishing days. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 20, 1990

ESHB 2293 Prime Sponsor, Committee on Fisheries and Wildlife: Authorizing the department of fisheries to issue group fishing permits to state-licensed or state-operated care facilities. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 20, 1990

HB 2294 Prime Sponsor, Representative R. King: Removing restrictions on the sale of salmon taken in test fishing operations. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 20, 1990

EHB 2299 Prime Sponsor, Representative Crane: Regulating telefacsimile messages for commercial solicitation. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Owen, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

February 20, 1990

HB 2389 Prime Sponsor, Representative G. Fisher: Regulating transporting waste material. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 19, 1990

EHB 2429 Prime Sponsor, Representative R. Meyers: Establishing penalties for attempts by vessel operators to elude pursuing law enforcement vessels. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 20, 1990

ESHB 2513 Prime Sponsor, Committee on Environmental Affairs: Providing revenue generating authority to counties to fund roadside litter and illegal dumping. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 20, 1990

HB 2663 Prime Sponsor, Representative Sprenkle: Changing provisions relating to the Washington committee for recycling markets. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 19, 1990

HB 2705 Prime Sponsor, Representative Ballard: Changing provisions relating to winter recreation functions of the state parks and recreation commission. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 19, 1990

HB 2942 Prime Sponsor, Representative R. King: Requiring progress reports on the recreational fisheries enhancement plan. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 6407 was advanced to second reading and placed on the second reading calendar.

INTRODUCTION AND FIRST READING

SB 6899 by Senators Nelson and Madsen (by request of Secretary of State)

AN ACT Relating to archives and records management; and amending RCW 40.14.020.

Referred to Committee on Governmental Operations.

SB 6900 by Senator Bailey

AN ACT Relating to the vacation of county roads; and amending RCW 36.87.130.

Referred to Committee on Transportation.

SB 6901 by Senators Saling and Bailey

AN ACT Relating to the Washington institute for applied technology; amending section 611, chapter 19, Laws of 1989 1st ex. sess. (uncodified); adding a new section to chapter 28C.15 RCW; creating new sections; repealing RCW 28C.15.010, 28C.15.020, 28C.15.030, 28C.15.900, and section 2, chapter _____, Laws of 1990 (section 2 of this act); making an appropriation; and declaring an emergency.

Referred to Committee on Higher Education.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9202, Graham Tollefson, as a member of the Board of Trustees for Central Washington University, was confirmed.

Senator Newhouse spoke to the confirmation of Graham Tollefson as a member of the Board of Trustees for Central Washington University.

APPOINTMENT OF GRAHAM TOLLEFSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; absent, 3; excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogndil, von Reichbauer, Warnke, Williams, Wojahn - 45.

Absent: Senators Matson, McMullen, Patterson - 3.

Excused: Senator West - 1.

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

MOTION

On motion of Senator DeJarnatt, the following resolution was adopted:

SENATE RESOLUTION 1990-8737

by Senators DeJarnatt and Conner

WHEREAS, Jill Bellis created the "Food Ball" drive in 1981 to collect food for the needy to brighten their lives during the holiday season, and restored to the Hoquiam and Aberdeen communities their traditional Thanksgiving Day rivalry; and

WHEREAS, This "Food Ball" competition not only brought these two communities together in the true spirit of Thanksgiving, but also resulted in similar "Food Ball" drives at Lake Quinalt and North Beach School Districts; and

WHEREAS, Mark Miller of Raymond High School used the "Food Ball" project as a model for the Willapa Harbor Christmas "Foodbowl" competition between

Raymond, South Bend, and Willapa Valley School Districts, that also began in 1981; and

WHEREAS, The students and other citizens have given more food and assistance each successive year to those in need in their communities; and

WHEREAS, This effort resulted in 1989 totals of 28,577 pounds of food collected for needy Willapa Harbor residents by their three area schools, and 418,000 pounds of food collected for needy Grays Harbor residents by their four participating schools; and

WHEREAS, Their sense of activism and volunteerism is a shining example to the rest of their state and nation, and represents the best of American values;

NOW, THEREFORE, BE IT RESOLVED, That the President and members of the Washington State Senate do hereby recognize the achievements of these students, their schools, and their respective "Food Ball" and "Foodbowl" coordinators and extend heartfelt congratulations and appreciation on behalf of all the citizens of the state of Washington; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the school districts of Aberdeen, Hoquiam, Lake Quinalt, North Beach, Raymond, South Bend, and Willapa Valley.

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 6407, by Senators McDonald, Gaspard, Rasmussen and Conner (by request of Governor Gardner)

Adopting the supplemental operating budget.

MOTION

On motion of Senator Newhouse, Substitute Senate Bill No. 6407 was substituted for Senate Bill No. 6407 and the substitute bill was placed on second reading and read the second time.

MOTION

At 10:18 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:21 a.m. by President Pritchard.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6407, which was being debated on second reading before the Senate went at ease.

MOTION

Senator Vognild moved that the rules be suspended and Senate Rule 53 be suspended for the remainder of the consideration of Substitute Senate Bill No. 6407.

EDITOR'S NOTE: Senate Rule 53 reads: 'No amendment to the budget, capital budget or supplemental budget, not incorporated in the bill as reported by the Ways and Means Committee, shall be adopted except by the affirmative vote of sixty percent of the Senators elected.'

Debate ensued.

Senator Vognild demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Vognild to suspend Rule 53 for the consideration of Substitute Senate Bill No. 6407.

ROLL CALL

The Secretary called the roll and the motion to suspend Rule 53 failed to receive the necessary two-thirds majority by the following vote: Yeas, 24; nays, 24; absent, 1.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patrick, Patterson, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 24.

Absent: Senator Matson - 1.

MOTION

Senator Amondson moved that the following amendments be considered simultaneously and be adopted:

On page 14, line 24, increase the facilities and services revolving fund appropriation by \$267,000 and adjust the total appropriation accordingly.

On page 15, after line 6, insert the following:

"(4) \$267,000 of the facilities and services revolving fund appropriation is provided solely to convert capitol campus parking lots to zoned parking, and continue funding the state's share of the downtown shuttle service, in compliance with the environmental impact statement draft for the Natural Resources Agencies Building construction. The portion of this amount necessary to implement zoned parking beyond the capital campus is contingent on the enactment of HB 2802. If the bill is not enacted by June 30, 1990, that amount shall lapse."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Amondson on page 14, line 24, and page 15, after line 6, to Substitute Senate Bill No. 6407.

The motion by Senator Amondson failed and the amendments were not adopted.

MOTION

On motion of Senator Newhouse, the rules were suspended, Substitute Senate Bill No. 6407 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6407.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6407, and the bill passed the Senate by the following vote: Yeas, 25; nays, 23; absent, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patrick, Patterson, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 25.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vogtild, Warnke, Williams, Wojahn - 23.

Absent: Senator Hansen - 1.

SUBSTITUTE SENATE BILL NO. 6407, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

February 19, 1990

SB 6897 Prime Sponsor, Senator Patterson: Funding a headquarters facility for the department of transportation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Bender, Benitz, Hansen, McMullen, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

February 20, 1990

ESHB 1394 Prime Sponsor, Committee on Agriculture and Rural Development: Revising irrigation district bidding requirements. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

February 19, 1990

ESHB 1450 Prime Sponsor, Committee on Transportation: Regulating motor fuel quality. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Paterson, Chairman; Bender, Hansen, McMullen, Madsen, Murray, Nelson, Patrick.

Passed to Committee on Rules for second reading.

February 19, 1990

SHB 1465 Prime Sponsor, Committee on Transportation: Making technical corrections in driver and vehicle licensing laws. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Paterson, Chairman; Thorsness, Vice Chairman; Bender, Benitz, Hansen, McMullen, Madsen, Murray.

Passed to Committee on Rules for second reading.

February 19, 1990

EHB 1596 Prime Sponsor, Representative R. Meyers: Funding motorcycle safety education. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Paterson, Chairman; Thorsness, Vice Chairman; Bender, Benitz, Hansen, McMullen, Murray, Nelson, Patrick.

Passed to Committee on Rules for second reading.

February 19, 1990

REHB 1724 Prime Sponsor, Representative Prentice: Establishing criteria for state highway designation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Paterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, Hansen, McMullen, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

February 20, 1990

2SHB 2077 Prime Sponsor, Committee on Appropriations: Establishing a network for the reporting of cancer cases. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 19, 1990

HB 2265 Prime Sponsor, Representative Holland: Expanding the excellence in education program to include classified staff. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Craswell, Fleming, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 19, 1990

HB 2276 Prime Sponsor, Representative Peery: Reorganizing Title 28A RCW. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Craswell, Fleming, Metcalf, Murray.

Passed to Committee on Rules for second reading.

February 20, 1990

HB 2333 Prime Sponsor, Representative Rasmussen: Disposing of wastes in agricultural areas. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen.

Passed to Committee on Rules for second reading.

February 19, 1990

EHB 2355 Prime Sponsor, Representative Cole: Changing rules of the road with regard to school buses and private carrier buses. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Fleming, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 20, 1990

EHB 2386 Prime Sponsor, Representative Ballard: Clarifying the status of temporary permit fees paid to vehicle dealers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, Conner, DeJarnatt, Hansen, McMullen, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

February 20, 1990

HB 2395 Prime Sponsor, Representative Anderson: Regarding reimbursement of nursing homes authorized to meet the needs of people with AIDS. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; Smith, Vice Chairman; Johnson, Kreidler, Niemi, Wojahn.

Referred to Committee on Ways and Means.

February 20, 1990

EHB 2473 Prime Sponsor, Representative Rayburn: Revising provisions for the subdivision of land that is in whole or in part within an irrigation district and that has been previously platted by the United States. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

February 20, 1990

SHB 2587 Prime Sponsor, Committee on Local Government: Authorizing port districts to spend money on road improvements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, Hansen, Madsen, Sellar.

Passed to Committee on Rules for second reading.

February 19, 1990

SHB 2591 Prime Sponsor, Committee on Higher Education: Authorizing honorary degrees. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules for second reading.

February 20, 1990

ESHB 2593 Prime Sponsor, Committee on Environmental Affairs: Modifying requirements for registration of pesticides. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Referred to Committee on Ways and Means.

February 21, 1990

EHB 2602 Prime Sponsor, Representative Hine: Changing provisions relating to support services for adoptions. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Smith, Chairman; Bailey, Stratton, Vognilid.

Referred to Committee on Ways and Means.

February 19, 1990

EHB 2618 Prime Sponsor, Representative G. Fisher: Creating the parent-teacher partnership task force. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Craswell, Fleming, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 19, 1990

EHB 2694 Prime Sponsor, Representative Cole: Extending the expiration date of the interim task force on student transportation safety. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Craswell, Fleming, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 20, 1990

HB 2840 Prime Sponsor, Representative R. Fisher: Creating the position of executive director of the county road administration board. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Bender, Benitz, Conner, DeJarnatt, Hansen, McMullen, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

February 19, 1990

EHB 2882 Prime Sponsor, Representative R. Fisher: Authorizing the department of transportation to approve emergency contracts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, DeJarnatt, McMullen, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

February 19, 1990

ESHB 2940 Prime Sponsor, Committee on Transportation: Pertaining to vehicle dealer documentary service fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman;

Barr, Bender, Benitz, DeJarnatt, Hansen, McMullen, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

MOTION

At 12:11 p.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, February 22, 1990.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FORTY-SIXTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 22, 1990

The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Kim Gilreath and T. J. Fischer, presented the Colors.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 20, 1990

REHB 1055 Prime Sponsor, Representative R. Fisher: Financing fire protection for state-owned buildings. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 21, 1990

ESHB 1492 Prime Sponsor, Committee on Health Care: Defining chiropractic care. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi.

Referred to Committee on Ways and Means.

February 21, 1990

HB 1890 Prime Sponsor, Representative R. Fisher: Changing provisions concerning redistricting. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Sutherland.

Passed to Committee on Rules for second reading.

February 20, 1990

ESHB 1941 Prime Sponsor, Committee on Environmental Affairs: Prohibiting use of tobacco products in health care facilities. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators West, Chairman; Smith, Vice Chairman; Johnson, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 21, 1990

2SHB 1978 Prime Sponsor, Committee on State Government: Revising provisions for application of the state building code. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 21, 1990

EHB 2291 Prime Sponsor, Representative Spanel: Regarding sea cucumber commercial fishing. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 20, 1990

HB 2297 Prime Sponsor, Representative Pruitt: Changing provisions relating to air pollution control authorities. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Barr, DeJarnatt, Owen, Sutherland.

MINORITY recommendation: Do not pass as amended. Signed by Senator Kreidler.

Passed to Committee on Rules for second reading.

February 21, 1990

HB 2300 Prime Sponsor, Representative Crane: Changing provisions relating to orders for protection and antiharassment orders. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 21, 1990

HB 2310 Prime Sponsor, Representative H. Sommers: Modifying the state's ability to lease and lease back land. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 21, 1990

SHB 2315 Prime Sponsor, Committee on Appropriations: Creating additional superior court positions in Kitsap and Thurston counties. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Referred to Committee on Ways and Means.

February 20, 1990

HB 2330 Prime Sponsor, Representative Haugen: Modifying levy rate provisions for senior and junior taxing districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 20, 1990

EHB 2335 Prime Sponsor, Representative Silver: Regulating preservation of historical and abandoned cemeteries. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 20, 1990

ESHB 2390 Prime Sponsor, Committee on Environmental Affairs: Regulating hazardous substances and waste. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 20, 1990

ESHB 2409 Prime Sponsor, Committee on Local Government: Changing provisions relating to municipal incorporation proceedings. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 21, 1990

SHB 2421 Prime Sponsor, Committee on Natural Resources and Parks: Requiring safety standards for the operation of jet skis. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 20, 1990

HB 2438 Prime Sponsor, Representative Sprenkle: Providing reimbursement to state library employees injured while working in state correctional institutions and offices. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Thorsness.

Passed to Committee on Rules for second reading.

February 19, 1990

EHB 2441 Prime Sponsor, Representative Jacobsen: Convening a task force on disabled students in higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Saling, Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules for second reading.

February 21, 1990

2SHB 2443 Prime Sponsor, Committee on Appropriations: Establishing the Warren G. Magnuson institute for biomedical research and health professions training. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Cantu, Smitherman, Stratton, von Reichbauer.

Referred to Committee on Ways and Means.

February 21, 1990

EHB 2460 Prime Sponsor, Representative Inslee: Establishing civil docket priority for parties over seventy years of age or terminally ill. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge.

Passed to Committee on Rules for second reading.

February 21, 1990

HB 2461 Prime Sponsor, Representative Van Luvan: Prohibiting the sale by public agencies of emergency vehicle equipment that may not be lawfully used. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, Conner, DeJarnatt, Hansen, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

February 20, 1990

SHB 2463 Prime Sponsor, Committee on State Government: Restricting release of vehicle registration records. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, Conner, DeJarnatt, Hansen, McMullen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

February 21, 1990

SHB 2467 Prime Sponsor, Committee on Judiciary: Changing provisions relating to juries. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 20, 1990

HB 2475 Prime Sponsor, Representative Ferguson: Limiting license fees and taxes that impact certain convention and trade facilities. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 21, 1990

ESHB 2482 Prime Sponsor, Committee on Environmental Affairs: Restructuring the Puget Sound Water Quality Authority. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

February 21, 1990

EHB 2514 Prime Sponsor, Representative Walker: Establishing a state-wide adopt-a-highway litter control program. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, DeJarnatt, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

February 21, 1990

SHB 2524 Prime Sponsor, Committee on Health Care: Continuing the board of pharmacy and modifying licensures. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 21, 1990

SHB 2576 Prime Sponsor, Committee on Fisheries and Wildlife: Updating and revising certain statutes regarding the department of wildlife. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 20 1990

ESHB 2603 Prime Sponsor, Committee on Health Care: Enhancing availability of medical care for children. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; Smith, Vice Chairman; Johnson, Kreidler, Niemi, Wojahn.

Referred to Committee on Ways and Means.

February 21, 1990

ESHB 2653 Prime Sponsor, Committee on Appropriations: Requiring the superintendent of public instruction and the Henry M. Jackson school of International studies to provide services to develop international education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Referred to Committee on Ways and Means.

February 20, 1990

EHB 2655 Prime Sponsor, Representative R. Fisher: Changing reporting requirements for lobbyists and for employers of lobbyists. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 21, 1990

ESHB 2709 Prime Sponsor, Committee on Judiciary: Revising criteria for setting the number of district court judges in each electoral district. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 21, 1990

EHB 2714 Prime Sponsor, Representative Padden: Concerning execution dates. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Thorsness.

Passed to Committee on Rules for second reading.

February 21, 1990

EHB 2722 Prime Sponsor, Representative Zellinsky: Modifying "rules of the road" as they relate to solid waste collection vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, DeJarnatt, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

February 20, 1990

SHB 2726 Prime Sponsor, Committee on Capital Facilities and Financing: Raising the debt funding limitation for certain port districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 20, 1990

HB 2739 Prime Sponsor, Representative Dellwo: Establishing a license to sell liquor in motels. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 21, 1990

HB 2753 Prime Sponsor, Representative Prince: Rerouting state route number 128 through Red Wolf Crossing. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, DeJarnatt, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

February 21, 1990

HB 2775 Prime Sponsor, Representative McLean: Prohibiting the use of voting machines that do not record votes on separate ballots. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chairman; DeJarnatt, Sutherland.

Referred to Committee on Ways and Means.

February 21, 1990

ESHB 2831 Prime Sponsor, Committee on Higher Education: Establishing the American Indian endowed scholarship program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Referred to Committee on Ways and Means.

February 21, 1990

HB 2855 Prime Sponsor, Representative Ferguson: Changing provisions relating to lessee improvements to municipal airports. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 21, 1990

EHB 2859 Prime Sponsor, Representative Todd: Making changes in county legislative authority. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 21, 1990

HB 2868 Prime Sponsor, Representative Spanel: Changing provisions relating to sea urchin endorsements. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 20, 1990

ESHB 2932 Prime Sponsor, Committee on Natural Resources and Parks: Providing for regional water resource planning. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

February 21, 1990

HB 2989 Prime Sponsor, Representative Peery: Delaying required registration for freight brokers and forwarders. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, Conner, DeJarnatt, Hansen, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

February 20, 1990

HB 2997 Prime Sponsor, Representative Nutley: Changing the requirements of notice in certain unlawful detainer actions. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Madsen, Newhouse, Niemi, Patrick, Rasmussen, Thorsness.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

February 21, 1990

Mr. President:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2833, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 2833 by Committee on Revenue (originally sponsored by Representatives Haugen, Ferguson, Basich, Nealey, Dellwo, Wood, Todd, Horn, Jones, Prince, Wang, Holland, K. Wilson, McLean, Dorn, Winsley,

Rayburn, Ballard, Schoon, Sprenkle, Prentice, Hine, Phillips, Brough, Morris, Rector, Spanel, Valle, Smith, Cooper, May, R. Fisher, Scott, Forner, Leonard, Walker, Locke, Fraser, Belcher, Nutley and Raiter)

Changing local government revenue sources and levels.

Referred to Committee on Ways and Means.

MOTION

At 12:04 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, February 23, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FORTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 23, 1990

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Barr, Fleming, Johnson, Matson, McCaslin, McDonald, Metcalf, Moore, Nelson and Smith. On motion of Senator Warnke, Senator Fleming was excused. On motion of Senator Anderson, Senators Barr, McDonald and Metcalf were excused.

The Sergeant at Arms Color Guard, consisting of Pages Amy Silbernagel and Jason Sutherland, presented the Colors. Reverend James Blundell, pastor of St. John's Episcopal Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 22, 1990

SHB 1280 Prime Sponsor, Committee on Natural Resources and Parks: Modifying requirements of marine geologic explorations. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Owen, Sutherland.

Passed to Committee on Rules for second reading.

February 22, 1990

2SHB 1624 Prime Sponsor, Committee on Natural Resources and Parks: Regulating the sale of valuable materials from state-owned tidelands and shorelands. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

February 21, 1990

SHB 1765 Prime Sponsor, Committee on Appropriations: Establishing the professional educator renewal program. Reported by Committee on Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Fleming, Gaspard, Murray, Rinehart.

Referred to Committee on Ways and Means.

February 22, 1990

SHB 2059 Prime Sponsor, Committee on Trade and Economic Development: Creating the Washington hardwoods commission. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

February 22, 1990

2SHB 2208 Prime Sponsor, Committee on Appropriations: Establishing the Washington wildlife rescue coalition. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, DeJarnatt, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

February 22, 1990

EHB 2237 Prime Sponsor, Representative Anderson: Enacting the Antibigotry and Bias Act of 1989. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Niemi, Patrick, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 21, 1990

HB 2253 Prime Sponsor, Representative Spanel: Repealing exemption from the state minimum wage for students at institutions of higher education. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

February 22, 1990

HB 2290 Prime Sponsor, Representative Haugen: Regarding establishment of emerging commercial fisheries. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, DeJarnatt, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

February 21, 1990

HB 2295 Prime Sponsor, Representative Sayan: Revising provisions for reimbursement to department of social and health services employees for costs related to assaults. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Referred to Committee on Ways and Means.

February 19, 1990

SHB 2296 Prime Sponsor, Committee on Commerce and Labor: Regulating business relationships between manufacturers and distributors of agriculture equipment and independent retail dealers. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

February 21, 1990

EHB 2331 Prime Sponsor, Representative H. Myers: Requiring teachers to complete a course on issues of abuse. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 22, 1990

SHB 2336 Prime Sponsor, Committee on Judiciary: Increasing penalties for the manufacture, sale, or delivery of controlled substances on public buses, and on or near bus stops and public parks. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Newhouse, Niemi, Patrick, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 21, 1990

ESHB 2375 Prime Sponsor, Committee on Appropriations: Creating ALL KIDS CAN LEARN incentive grants. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Benitz, Craswell, Metcalf.

Passed to Committee on Rules for second reading.

February 21, 1990

SHB 2385 Prime Sponsor, Committee on Human Services: Making technical changes to alcohol and drug treatment laws. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 21, 1990

EHB 2404 Prime Sponsor, Representative Padden: Allowing deferrals of traffic infraction judicial determinations. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Thorsness.

Passed to Committee on Rules for second reading.

February 21, 1990

2SHB 2405 Prime Sponsor, Committee on Appropriations: Establishing the homelessness prevention program. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Smitherman, Warnke, West, Williams.

Referred to Committee on Ways and Means.

February 22, 1990

SHB 2426 Prime Sponsor, Committee on Commerce and Labor: Revising provisions for employer contributions for unemployment compensation. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 21, 1990

HB 2445 Prime Sponsor, Representative Winsley: Requiring notice of any conditional use permits applicable to a mobile home park in mobile home park rental agreements. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

February 21, 1990

SHB 2446 Prime Sponsor, Committee on Housing: Changing provisions relating to public housing authorities. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

February 19, 1990

SHB 2457 Prime Sponsor, Committee on Commerce and Labor: Regulating employment listing or employment information services. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

February 21, 1990

SHB 2536 Prime Sponsor, Committee on Housing: Giving local governments the right of first refusal in the purchase of federally assisted housing. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Matson, Murray, Smitherman, Warnke, West.

Passed to Committee on Rules for second reading.

February 22, 1990

HB 2542 Prime Sponsor, Representative Youngsman: Forfeiting vehicles used in illegal transfers of controlled substances. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Newhouse, Niemi, Patrick, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 20, 1990

EHB 2560 Prime Sponsor, Representative Peery: Permitting educational staff to attend certain out-of-state courses to fulfill continuing education requirements. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Craswell, Fleming, Gaspard, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 20, 1990

SHB 2570 Prime Sponsor, Committee on Environmental Affairs: Requiring the department of ecology to develop a waste reduction, recycling, and procurement plan for state agencies. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; DeJarnatt, Kreidler, Owen.

Passed to Committee on Rules for second reading.

February 22, 1990

EHB 2577 Prime Sponsor, Representative Morris: Allowing the issuance of special hunting permits. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

February 21, 1990

SHB 2610 Prime Sponsor, Committee on Human Services: Revising provisions for public assistance. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Smith, Chairman; Craswell, Vice Chairman; Bailey, Stratton, Vogtild.

Referred to Committee on Ways and Means.

February 21, 1990

HB 2715 Prime Sponsor, Representative Vekich: Pertaining to the registration of engineers. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Murray, Saling, Smitherman, Warnke, West, Williams.

Referred to Committee on Ways and Means.

February 22, 1990

HB 2719 Prime Sponsor, Representative Beck: Requiring reimbursement for state parks and recreation commission costs of plan review and construction approval for winter recreational facilities. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

February 22, 1990

SHB 2792 Prime Sponsor, Committee on Health Care: Regulating podiatric physicians and surgeons. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Smith, Vice Chairman; Amondson, Johnson, Wojahn.

Passed to Committee on Rules for second reading.

February 22, 1990

HB 2796 Prime Sponsor, Representative Brekke: Pertaining to birth certificates. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Smith, Vice Chairman; Amondson, Johnson, Wojahn.

Passed to Committee on Rules for second reading.

February 21, 1990

HB 2808 Prime Sponsor, Representative H. Myers: Changing the requirements for appointing court commissioners. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge.

Passed to Committee on Rules for second reading.

February 21, 1990

SHB 2819 Prime Sponsor, Committee on Human Services: Creating a children's ombuds. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Smith, Chairman; Bailey, Stratton, Vognild.

Referred to Committee on Ways and Means.

February 19, 1990

SHB 2858 Prime Sponsor, Committee on Commerce and Labor: Authorizing business entertainment practices for liquor importers, wholesalers, or manufacturers. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; McMullen, Matson, Murray, Smitherman, Williams.

Passed to Committee on Rules for second reading.

February 22, 1990

SHB 2861 Prime Sponsor, Committee on Housing: Transferring the responsibilities for the regulation of manufactured housing. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; McMullen, Matson, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 21, 1990

ESHB 2906 Prime Sponsor, Committee on Housing: Providing for the clean-up or elimination of contaminated properties. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Referred to Committee on Ways and Means.

February 21, 1990

ESHB 2917 Prime Sponsor, Committee on Health Care: Changing provisions relating to physician assistants. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 22, 1990

EHB 2924 Prime Sponsor, Representative Sayan: Regulating wild mushroom sales. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Sutherland.

Passed to Committee on Rules for second reading.

February 22, 1990

HB 2998 Prime Sponsor, Representative Belcher: Exempting certain permits and licenses from the definition of a fee. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen.

Passed to Committee on Rules for second reading.

February 22, 1990

SHB 3006 Prime Sponsor, Committee on Appropriations: Creating the minority justice commission. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; McCaslin, Vice Chairman; Niemi, Patrick, Rinehart, Talmadge, Thorsness.

Referred to Committee on Ways and Means.

February 22, 1990

HJM 4031 Prime Sponsor, Representative Sayan: Requesting support for veterans who were exposed to toxic chemicals. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Smith, Vice Chairman; Amondson, Johnson, Wojahn.

Passed to Committee on Rules for second reading.

February 22, 1990

SHCR 4429 Prime Sponsor, Committee on Energy and Utilities: Creating a joint select committee on seismic events. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Nelson, Owen, Patrick, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 22, 1990

GA 9142 ROBERT J. ANDERSON, reappointed September 11, 1989, for a term ending July 1, 1994, as a member of the Board of Trustees for the State School for the Blind.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Lee, Vice Chairman, Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules.

February 22, 1990

GA 9163 JOSEPH FRAM, appointed September 11, 1989, for a term ending July 1, 1992, as a member of the Board of Trustees for the State School for the Blind.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Lee, Vice Chairman, Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules.

February 22, 1990

GA 9185 JEANNE A. PELKEY, appointed September 11, 1989, for a term ending July 1, 1990, as a member of the Board of Trustees for the State School for the Blind.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Lee, Vice Chairman, Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules.

February 22, 1990

GA 9187 **CONSTANCE W. RICE**, appointed October 13, 1989, for a term ending September 30, 1995, as a member of the Board of Trustees for The Evergreen State College.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

February 22, 1990

GA 9190 **DON SCHWERIN**, reappointed September 28, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Walla Walla Community College District No. 20.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

February 22, 1990

GA 9207 **DR. CARVER C. GAYTON**, appointed October 20, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Seattle Community College District No. 6.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

February 22, 1990

GA 9209 **BENNY DOCKTER**, reappointed November 15, 1989, for a term ending July 1, 1994, as a member of the Board of Trustees for the State School for the Deaf.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules.

February 22, 1990

GA 9227 **BARBARA STEPHENSON**, appointed December 11, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Seattle Olympia College District No. 3.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SJM 8026 by Senator Metcalf

Petitioning Congress to begin the process to amend the Constitution for the purpose of limiting congressional and judicial terms.

Referred to Committee on Governmental Operations.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9124, Bruce L. Cardwell, as a member of the Board of Trustees for Lower Columbia Community College District No. 13, was confirmed.

Senator DeJarnatt spoke to the confirmation of Bruce L. Cardwell as a member of the Board of Trustees for Lower Columbia Community College.

APPOINTMENT OF BRUCE L. CARDWELL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; absent, 7; excused, 4.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, McMullen, Murray, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 38.

Absent: Senators Amondson, Johnson, Matson, McCaslin, Moore, Nelson, Smith - 7.

Excused: Senators Barr, Fleming, McDonald, Metcalf - 4.

MOTION

On motion of Senator Anderson, Senators Matson, McCaslin and Smith were excused.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9144, Cherry McGee Banks, as a member of the Board of Trustees for Shoreline Community College District No. 7, was confirmed.

APPOINTMENT OF CHERRY MCGEE BANKS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Matson, McCaslin, McDonald, Metcalf, Smith - 5.

MOTION

At 10:21 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:36 a.m. by President Pritchard.

MOTION

On motion of Senator Newhouse, the following bills which were on the second reading calendar were referred to the Committee on Rules:

SENATE BILL NO. 5326.

SENATE BILL NO. 5463.

SENATE BILL NO. 6184.

SENATE BILL NO. 6627.

SENATE BILL NO. 6732.

SENATE BILL NO. 6735.

SENATE BILL NO. 6804.

SENATE JOINT RESOLUTION NO. 8239.

MOTION

On motion of Senator Anderson, Senator Saling was excused.

SECOND READING
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator von Reichbauer, Gubernatorial Appointment No. 9143, James F. Ryan, as a member of the State Investment Board, was confirmed.

APPOINTMENT OF JAMES F. RYAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, Williams, Wojahn - 44.

Absent: Senators Sutherland, West - 2.

Excused: Senators McCaslin, McDonald, Saling - 3.

MOTION

On motion of Senator Anderson, Senator West was excused.

MOTION

On motion of Senator von Reichbauer, Gubernatorial Appointment No. 9193, James M. Sims, as Administrator of the Pollution Liability Reinsurance Program, was confirmed.

Senator Rasmussen spoke to the confirmation of James M. Sims as Administrator of the Pollution Liability Reinsurance Program.

APPOINTMENT OF JAMES M. SIMS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, Williams, Wojahn - 45.

Excused: Senators McCaslin, McDonald, Saling, West - 4.

SECOND READING

SENATE BILL NO. 6492, by Senators Smith, Conner, Stratton and Bailey

Establishing the adoption support reconsideration program.

MOTIONS

On motion of Senator Smith, Second Substitute Senate Bill No. 6492 was substituted for Senate Bill No. 6492 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Smith, Second Substitute Senate Bill No. 6492 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6492.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6492 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, Williams, Wojahn - 44.

Absent: Senator Moore - 1.

Excused: Senators McCaslin, McDonald, Saling, West - 4.

SECOND SUBSTITUTE SENATE BILL NO. 6492, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2262, by Representative Walker

Compensating bailee's for services rendered for unclaimed property.

The bill was read the second time.

MOTION

On motion of Senator Nelson, House Bill No. 2262 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2262.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2262 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 44.

Absent: Senator McMullen - 1.

Excused: Senators McCaslin, McDonald, Saling, West - 4.

HOUSE BILL NO. 2262, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6419, by Senators Thorsness, Talmadge, McCaslin, Niemi, Patrick and Moore (by request of Governor Gardner)

Creating a jail standards incentive board.

MOTIONS

On motion of Senator Nelson, Second Substitute Senate Bill No. 6419 was substituted for Senate Bill No. 6419 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, Second Substitute Senate Bill No. 6419 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6419.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6419 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 45.

Excused: Senators McCaslin, McDonald, Saling, West - 4.

SECOND SUBSTITUTE SENATE BILL NO. 6419, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1491, by Representatives Leonard, Schoon, Moyer, Prentice, Anderson, Raiter, Hine, Wineberry, Todd, Vekich, Cooper, Brekke, Jacobsen, Nelson, R. King, Pruitt, Sayan, Spanel, Basich and Rasmussen

Redefining the role of the community action agency network.

The bill was read the second time.

MOTION

On motion of Senator Smith, Engrossed House Bill No. 1491 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1491.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1491 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 45.

Excused: Senators McCaslin, McDonald, Saling, West - 4.

ENGROSSED HOUSE BILL NO. 1491, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 23, 1990

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6259 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: E2SSB 6259

Changing provisions relating to criminal offenders.

February 23, 1990

Mr. President:

Mr. Speaker:

We of your Conference Committee to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Reject previous amendments and adopt the following striking amendment:

Strike everything after the enacting clause and insert the following:

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PART I

COMMUNITY NOTIFICATION

NEW SECTION. Sec. 101. A new section is added to chapter 13.40 RCW to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than ten days before discharge, parole, or any other authorized leave or release, or before transfer to a community residential facility, the secretary shall send written notice of the discharge, parole, authorized leave or release, or transfer of a juvenile found to have committed a violent offense or a sex offense, to the following:

(i) The chief of police of the city, if any, in which the juvenile will reside; and

(ii) The sheriff of the county in which the juvenile will reside.

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific juvenile:

(i) The victim of the offense for which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the juvenile in any court proceedings involving the offense; and

(iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the juvenile. The notice to the chief of police or the sheriff shall include the identity of the juvenile, the residence where the juvenile will reside, the identity of the person, if any, responsible for supervising the juvenile, and the time period of any authorized leave.

(2)(a) If a juvenile found to have committed a violent offense or a sex offense escapes from a facility of the department, the secretary shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the juvenile resided immediately before the juvenile's arrest. If previously requested, the secretary shall also notify the witnesses and the victim of the offense which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide. If the juvenile is recaptured, the secretary shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(b) The secretary may authorize a leave, for a juvenile found to have committed a violent or sex offense, which shall not exceed forty-eight hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. Prior to the commencement of an emergency or medical leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will be during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave. If previously requested, the department shall also notify the witnesses and victim of the offense which the juvenile was found to have committed or the victim's next of kin if the offense was a homicide.

In case of an emergency or medical leave the secretary may waive all or any portion of the requirements for leaves pursuant to RCW 13.40.205 (2)(a), (3), (4), and (5).

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(4) The secretary shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Next of kin" means a person's spouse, parents, siblings, and children.

NEW SECTION. Sec. 102. A new section is added to chapter 13.40 RCW to read as follows:

In addition to any other information required to be released under this chapter, the department is authorized, pursuant to section 117 of this act, to release relevant information that is necessary to protect the public concerning juveniles adjudicated of sex offenses.

Sec. 103. Section 10, chapter 191, Laws of 1983 and RCW 13.40.205 are each amended to read as follows:

(1) A juvenile sentenced to a term of confinement to be served under the supervision of the department shall not be released from the physical custody of the department prior to the release date established under RCW 13.40.210 except as otherwise provided in this section.

(2) A juvenile serving a term of confinement under the supervision of the department may be released on authorized leave from the physical custody of the department only if consistent with public safety and if:

- (a) Sixty percent of the minimum term of confinement has been served; and
- (b) The purpose of the leave is to enable the juvenile:

(i) To visit the juvenile's family for the purpose of strengthening or preserving family relationships;

(ii) To make plans for parole or release which require the juvenile's personal appearance in the community and which will facilitate the juvenile's reintegration into the community; or

(iii) To make plans for a residential placement out of the juvenile's home which requires the juvenile's personal appearance in the community.

(3) No authorized leave may exceed seven consecutive days. The total of all pre-minimum term authorized leaves granted to a juvenile prior to final discharge from confinement shall not exceed thirty days.

(4) Prior to authorizing a leave, the secretary shall require a written leave plan, which shall detail the purpose of the leave and how it is to be achieved, the address at which the juvenile shall reside, the identity of the person responsible for supervising the juvenile during the leave, and a statement by such person acknowledging familiarity with the leave plan and agreeing to supervise the juvenile and to notify the secretary immediately if the juvenile violates any terms or conditions of the leave. The leave plan shall include such terms and conditions as the secretary deems appropriate and shall be signed by the juvenile.

(5) Upon authorizing a leave, the secretary shall issue to the juvenile an authorized leave order which shall contain the name of the juvenile, the fact that the juvenile is on leave from a designated facility, the time period of the leave, and the identity of an appropriate official of the department to contact when necessary. The authorized leave order shall be carried by the juvenile at all times while on leave.

(6) Prior to the commencement of any authorized leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will reside during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave.

(7) The secretary may authorize a leave, which shall not exceed forty-eight hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the period of time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. In cases of emergency or medical leave the secretary may waive all or any portions of subsections (2)(a), (3), (4), (5), and (6) of this section.

(8) If requested by the juvenile's victim or the victim's immediate family (~~prior to confinement~~), the secretary shall give notice of any leave to the victim or the victim's immediate family.

(9) A juvenile who violates any condition of an authorized leave plan may be taken into custody and returned to the department in the same manner as an adult in identical circumstances.

(10) Notwithstanding the provisions of this section, a juvenile placed in minimum security status may participate in work, educational, community service, or treatment programs in the community up to twelve hours a day if approved by the secretary. Such a release shall not be deemed a leave of absence.

(11) Subsections (6), (7), and (8) of this section do not apply to juveniles covered by section 101 of this 1990 act.

NEW SECTION. Sec. 104. A new section is added to chapter 10.77 RCW to read as follows:

(1)(a) At the earliest possible date, and in no event later than ten days before conditional release, final discharge, authorized furlough pursuant to RCW 10.77.163, or transfer to a less-restrictive facility than a state mental hospital, the superintendent shall send written notice of the conditional release, final discharge, authorized furlough, or transfer of a person who has been found not guilty of a sex or violent offense by reason of insanity and who is now in the custody of the department pursuant to this chapter, to the following:

- (i) The chief of police of the city, if any, in which the person will reside; and
- (ii) The sheriff of the county in which the person will reside.

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific person committed under this chapter:

(i) The victim of the crime for which the person was committed or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the person in any court proceedings; and

(iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the

notice, and the notice are confidential and shall not be available to the person committed under this chapter.

(c) In addition to the notice requirements of (a) and (b) of this subsection, the superintendent shall comply with RCW 10.77.163.

(2) If a person who has been found not guilty of a sex or violent offense by reason of insanity and who is committed under this chapter escapes, the superintendent shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the person resided immediately before the person's arrest. If previously requested, the superintendent shall also notify the witnesses and the victim, if any, of the crime for which the person was committed or the victim's next of kin if the crime was a homicide. The superintendent shall also notify appropriate persons pursuant to RCW 10.77.165. If the person is recaptured, the secretary shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(4) The department shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Next of kin" means a person's spouse, parents, siblings, and children;

(d) "Authorized furlough" means a furlough granted after compliance with RCW 10.77.163.

NEW SECTION. Sec. 105. A new section is added to chapter 10.77 RCW to read as follows:

In addition to any other information required to be released under this chapter, the department is authorized, pursuant to section 117 of this act, to release relevant information necessary to protect the public concerning a person who was acquitted of a sex offense as defined in RCW 9.94A.030 due to insanity and was subsequently committed to the department pursuant to this chapter.

Sec. 106. Section 2, chapter 122, Laws of 1983 as amended by section 9, chapter 420, Laws of 1989 and RCW 10.77.163 are each amended to read as follows:

(1) Before a person committed under this chapter is permitted temporarily to leave a treatment facility for any period of time without constant accompaniment by facility staff, the superintendent, professional person in charge of a treatment facility, or his or her professional designee shall in writing notify the prosecuting attorney of any county to which the person is released and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision conditionally to release the person. The notice shall be provided at least thirty days before the anticipated release and shall describe the conditions under which the release is to occur.

(2) In addition to the notice required by subsection (1) of this section, the superintendent of each state institution designated for the custody, care, and treatment of persons committed under this chapter shall notify appropriate law enforcement agencies through the state patrol communications network of the furloughs of persons committed under RCW 10.77.090 or 10.77.110. Notification shall be made at least forty-eight hours before the furlough, and shall include the name of the person, the place to which the person has permission to go, and the dates and times during which the person will be on furlough.

(3) Upon receiving notice that a person committed under this chapter is being temporarily released under subsection (1) of this section, the prosecuting attorney may seek a temporary restraining order to prevent the release of the person on the grounds that the person is dangerous to self or others.

(4) The notice provisions of this section are in addition to those provided in section 104 of this 1990 act.

Sec. 107. Section 3, chapter 122, Laws of 1983 as amended by section 10, chapter 420, Laws of 1989 and RCW 10.77.165 are each amended to read as follows:

In the event of an escape by a person committed under this chapter from a state institution or the disappearance of such a person on conditional release, the superintendent shall notify as appropriate, local law enforcement officers, other governmental agencies, the person's relatives, and any other appropriate persons about information necessary for the public safety or to assist in the apprehension of the person. The notice provisions of this section are in addition to those provided in section 104 of this 1990 act.

Sec. 108. Section 21, chapter 117, Laws of 1973 1st ex. sess. as last amended by section 12, chapter 420, Laws of 1989 and RCW 10.77.210 are each amended to read as follows:

Any person involuntarily detained, hospitalized, or committed pursuant to the provisions of this chapter shall have the right to adequate care and individualized treatment. The person who has custody of the patient or is in charge of treatment shall keep records detailing all medical, expert, and professional care and treatment received by a committed person, and shall keep copies of all reports of periodic examinations of the patient that have been filed

with the secretary pursuant to this chapter. Except as provided in sections 104 and 117 of this 1990 act regarding the release of information concerning insane offenders who are acquitted of sex offenses and subsequently committed pursuant to this chapter, all records and reports made pursuant to this chapter, shall be made available only upon request, to the committed person, to his or her attorney, to his or her personal physician, to the prosecuting attorney, to the court, to the protection and advocacy agency, or other expert or professional persons who, upon proper showing, demonstrates a need for access to such records. All records and reports made pursuant to this chapter shall also be made available, upon request, to the department of corrections or the indeterminate sentence review board if the person was on parole or probation at the time of detention, hospitalization, or commitment or the person is subsequently convicted for the crime for which he or she was detained, hospitalized, or committed pursuant to this chapter.

NEW SECTION. Sec. 109. A new section is added to chapter 71.05 RCW to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than ten days before conditional release, final discharge, authorized leave under RCW 71.05.325(2), or transfer to a less-restrictive facility than a state mental hospital, the superintendent shall send written notice of conditional release, final discharge, authorized leave, or transfer of a person committed under RCW 71.05.280(3) or 71.05.320(2)(c) following dismissal of a sex or violent offense pursuant to RCW 10.77.090(3) to the following:

- (i) The chief of police of the city, if any, in which the person will reside; and
- (ii) The sheriff of the county in which the person will reside.

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific person committed under RCW 71.05.280(3) or 71.05.320(2)(c) following dismissal of a sex or violent offense pursuant to RCW 10.77.090(3):

(i) The victim of the sex or violent crime that was dismissed pursuant to RCW 10.77.090(3) preceding commitment under RCW 71.05.280(3) or 71.05.320(2)(c) or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the person in any court proceedings; and

(iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the person committed under this chapter.

(2) If a person committed under RCW 71.05.280(3) or 71.05.320(2)(c) following dismissal of a sex or violent offense pursuant to RCW 10.77.090(3) escapes, the superintendent shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the person resided immediately before the person's arrest. If previously requested, the superintendent shall also notify the witnesses and the victim of the sex or violent crime that was dismissed pursuant to RCW 10.77.090(3) preceding commitment under RCW 71.05.280(3) or 71.05.320(2) or the victim's next of kin if the crime was a homicide. In addition, the secretary shall also notify appropriate parties pursuant to RCW 71.05.410. If the person is recaptured, the superintendent shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parent or legal guardian of the child.

(4) The superintendent shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Next of kin" means a person's spouse, parents, siblings, and children.

NEW SECTION. Sec. 110. A new section is added to chapter 71.05 RCW to read as follows:

In addition to any other information required to be released under this chapter, the department is authorized, pursuant to section 117 of this act, to release relevant information that is necessary to protect the public, concerning a specific person committed under RCW 71.05.280(3) or 71.05.320(2)(c) following dismissal of a sex offense as defined in RCW 9.94A.030.

Sec. 111. Section 2, chapter 67, Laws of 1986 as amended by section 1, chapter 401, Laws of 1989 and RCW 71.05.325 are each amended to read as follows:

(1) Before a person committed under grounds set forth in RCW 71.05.280(3) is released from involuntary treatment because a new petition for involuntary treatment has not been filed under RCW 71.05.320(2), the superintendent, professional person, or designated mental health professional responsible for the decision whether to file a new petition shall in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision not to file a new petition for involuntary treatment. Notice shall be provided at least thirty days before the period of commitment expires.

(2) (a) Before a person committed under grounds set forth in RCW 71.05.280(3) is permitted temporarily to leave a treatment facility pursuant to RCW 71.05.270 for any period of time without constant accompaniment by facility staff, the superintendent, professional person in charge of a treatment facility, or his or her professional designee shall in writing notify the prosecuting attorney of any county to which the person is to be released and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision conditionally to release the person. The notice shall be provided at least thirty days before the anticipated release and shall describe the conditions under which the release is to occur.

(b) The provisions of RCW 71.05.330(2) apply to proposed temporary releases, and either or both prosecuting attorneys receiving notice under this subsection may petition the court under RCW 71.05.330(2).

(3) Nothing in this section shall be construed to authorize detention of a person unless a valid order of commitment is in effect.

(4) The notice provisions of this section are in addition to those provided in section 109 of this 1990 act.

Sec. 112. Section 44, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 8, chapter 67, Laws of 1986 and RCW 71.05.390 are each amended to read as follows:

The fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the patient, or his guardian, must be obtained before information or records may be disclosed by a professional person employed by a facility to a professional person, not employed by the facility, who does not have the medical responsibility for the patient's care or who is not a designated county mental health professional or who is not involved in providing services under the community mental health services act, chapter 71.24 RCW.

(2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing outpatient services to the operator of a care facility in which the patient resides.

(3) When the person receiving services, or his guardian, designates persons to whom information or records may be released, or if the person is a minor, when his parents make such designation.

(4) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he may be entitled.

(5) For program evaluation and/or research: PROVIDED, That the secretary of social and health services adopts rules for the conduct of such evaluation and/or research. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, _____, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/

(6) To the courts as necessary to the administration of this chapter.

(7) To law enforcement officers, public health officers, or personnel of the department of corrections or the indefinite sentence review board ((of prison terms and paroles)) for persons who are the subject of the records and who are committed to the custody of the department of corrections or indefinite sentence review board ((of prison terms and paroles)) which information or records are necessary to carry out the responsibilities of their office(~~: PROVIDED, That~~). Except for dissemination of information released pursuant to sections 109 and 117 of this 1990 act, regarding persons committed under this chapter under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, the extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary admission, the fact and date of discharge, and the last known address shall be disclosed upon request; and

(b) The law enforcement and public health officers or personnel of the department of corrections or indefinite sentence review board ((of prison terms and paroles)) shall be obligated to keep such information confidential in accordance with this chapter; and

(c) Additional information shall be disclosed only after giving notice to said person and his counsel and upon a showing of clear, cogent and convincing evidence that such information is

necessary and that appropriate safeguards for strict confidentiality are and will be maintained: PROVIDED HOWEVER, That in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence.

(8) To the attorney of the detained person.

(9) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2) and 71.05.340(1)(b) and 71.05.335. The prosecutor shall be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information shall be disclosed only after giving notice to the committed person and the person's counsel.

(10) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence.

(11) To the persons designated in section 109 of this 1990 act for the purposes described in that section.

(12) Civil liability and immunity for the release of information about a particular person who is committed to the department under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by section 117 of this 1990 act.

The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding except in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(2)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial or in a civil commitment proceeding pursuant to sections 1001 through 1012 of this 1990 act. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

Sec. 113. Section 47, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.420 are each amended to read as follows:

Except as provided in section 109 of this 1990 act, when any disclosure of information or records is made as authorized by RCW 71.05.390 through 71.05.410, the physician in charge of the patient or the professional person in charge of the facility shall promptly cause to be entered into the patient's medical record the date and circumstances under which said disclosure was made, the names and relationships to the patient, if any, of the persons or agencies to whom such disclosure was made, and the information disclosed.

Sec. 114. Section 49, chapter 142, Laws of 1973 1st ex. sess. as amended by section 28, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.440 are each amended to read as follows:

Except as provided in section 117 of this 1990 act, any person may bring an action against an individual who has willfully released confidential information or records concerning him or her in violation of the provisions of this chapter, for the greater of the following amounts:

(1) One thousand dollars; or

(2) Three times the amount of actual damages sustained, if any. It shall not be a prerequisite to recovery under this section that the plaintiff shall have suffered or be threatened with special, as contrasted with general, damages.

Any person may bring an action to enjoin the release of confidential information or records concerning him or her or his or her ward, in violation of the provisions of this chapter, and may in the same action seek damages as provided in this section.

The court may award to the plaintiff, should he or she prevail in an action authorized by this section, reasonable attorney fees in addition to those otherwise provided by law.

Sec. 115. Section 17, chapter 205, Laws of 1989 and RCW 71.05.670 are each amended to read as follows:

Except as provided in section 117 of this 1990 act, any person, including the state or any political subdivision of the state, violating RCW 71.05.610 through 71.05.690 shall be subject to the provisions of RCW 71.05.440.

NEW SECTION. Sec. 116. The legislature finds that sex offenders pose a high risk of engaging in sex offenses even after being released from incarceration or commitment and that protection of the public from sex offenders is a paramount governmental interest. The legislature

further finds that the penal and mental health components of our justice system are largely hidden from public view and that lack of information from either may result in failure of both systems to meet this paramount concern of public safety. Overly restrictive confidentiality and liability laws governing the release of information about sexual predators have reduced willingness to release information that could be appropriately released under the public disclosure laws, and have increased risks to public safety. Persons found to have committed a sex offense have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government. Release of information about sexual predators to public agencies and under limited circumstances, the general public, will further the governmental interests of public safety and public scrutiny of the criminal and mental health systems so long as the information released is rationally related to the furtherance of those goals.

Therefore, this state's policy as expressed in section 117 of this act is to require the exchange of relevant information about sexual predators among public agencies and officials and to authorize the release of necessary and relevant information about sexual predators to members of the general public.

NEW SECTION. Sec. 117. A new section is added to chapter 4.24 RCW to read as follows:

(1) Public agencies are authorized to release relevant and necessary information regarding sex offenders to the public when the release of the information is necessary for public protection.

(2) An elected public official, public employee, or public agency as defined in RCW 4.24-.470 is immune from civil liability for damages for any discretionary decision to release relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. The authorization and immunity in this section applies to information regarding: (a) A person convicted of, or juvenile found to have committed, a sex offense as defined by RCW 9.94A.030; (b) a person found not guilty of a sex offense by reason of insanity under chapter 10.77 RCW; (c) a person found incompetent to stand trial for a sex offense and subsequently committed under chapter 71.05 or 71.34 RCW; (d) a person committed as a sexual psychopath under chapter 71.06 RCW; or (e) a person committed as a sexually violent predator under sections 1001 through 1012 of this act. The immunity provided under this section applies to the release of relevant information to other employees or officials or to the general public.

(3) Except as otherwise provided by statute, nothing in this section shall impose any liability upon a public official, public employee, or public agency for failing to release information as provided in subsection (2) of this section.

(4) Nothing in this section implies that information regarding persons designated in subsection (2) of this section is confidential except as otherwise provided by statute.

NEW SECTION. Sec. 118. An offender's pending appeal, petition for personal restraint, or writ of habeas corpus shall not restrict the agency's, official's, or employee's authority to release relevant information concerning an offender's prior criminal history. However, the agency must release the latest dispositions of the charges as provided in chapter 10.97 RCW, the Washington state criminal records privacy act.

NEW SECTION. Sec. 119. The governor shall cause a study of federal and state statutes and regulations governing the confidentiality and disclosure of information about dangerous offenders in the criminal justice, juvenile justice, and mental health systems. The governor shall report to the legislature no later than November 1, 1990 with recommendations for a comprehensive policy approach to confidentiality and dissemination of information about offenders who pose a danger to the public and recommendations regarding the immunity and liability of public agencies, officials, and employees when releasing or failing to release that information.

NEW SECTION. Sec. 120. A new section is added to chapter 71.06 RCW to read as follows:

In addition to any other information required to be released under this chapter, the department is authorized, pursuant to section 117 of this act, to release relevant information that is necessary to protect the public, concerning a specific sexual psychopath committed under this chapter.

Sec. 121. Section 1, chapter 346, Laws of 1985 as amended by section 1, chapter 30, Laws of 1989 and RCW 9.94A.155 are each amended to read as follows:

(1) At the earliest possible date, and in no event later than ten days before release except in the event of escape or emergency furloughs as defined in RCW 72.66.010, the department of corrections shall send written notice of parole, community placement, work release placement, furlough, or escape ~~((if such notice has been requested in writing))~~ about a specific inmate convicted of a violent offense or a sex offense as defined by RCW 9.94A.030, to all of the following:

(a) The chief of police of the city, if any, in which the inmate will reside ~~((if known))~~ or in which placement will be made in a work release program; and

(b) The sheriff of the county in which the inmate will reside ~~((if known))~~ or in which placement will be made in a work release program ~~((;))~~.

((c)) (2) The same notice as required by subsection (1) of this section shall be sent to the following if such notice has been requested in writing about a specific inmate convicted of a violent offense or a sex offense as defined by RCW 9.94A.030:

(a) The victim~~((if any))~~ of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide;

((d)) (b) Any witnesses who testified against the inmate in any court proceedings involving the violent offense; and

((e)) (c) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the inmate.

((2)) (3) If an inmate convicted of a violent offense or a sex offense as defined by RCW 9.94A.030 escapes from a correctional facility, the department of corrections shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the inmate resided immediately before the inmate's arrest and conviction. If previously requested, the department shall also notify the witnesses and the victim~~((if any))~~ of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide. If the inmate is recaptured, the department shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

((3)) (4) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(5) The department of corrections shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

((4)) (6) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Next of kin" means a person's spouse, parents, siblings and children.

((5)) (7) Nothing in this section shall impose any liability upon a chief of police of a city or sheriff of a county for failing to request in writing a notice as provided in subsection (1) of this section.

NEW SECTION. Sec. 122. A new section is added to chapter 9.94A RCW to read as follows:

Three months before the anticipated release from total confinement of a person convicted of a sex offense as defined in RCW 9.94A.030 that was committed between June 30, 1984, and July 1, 1988, the department shall notify in writing the prosecuting attorney of the county where the person was convicted. The department shall inform the prosecutor of the following:

(1) The person's name, identifying factors, anticipated future residence, and offense history;

(2) A brief narrative describing the person's conduct during confinement and any treatment received; and

(3) Whether the department recommends that a civil commitment petition be filed under section 1003 of this act.

The department, its employees, and officials shall be immune from liability for any good-faith conduct under this section.

NEW SECTION. Sec. 123. A new section is added to chapter 9.94A RCW to read as follows:

The department, its employees, and officials, shall be immune from liability for release of information regarding sex offenders that complies with section 117 of this act.

NEW SECTION. Sec. 124. A new section is added to chapter 9.94A RCW to read as follows:

In addition to any other information required to be released under other provisions of this chapter, the department may, pursuant to section 117 of this act, release information concerning convicted sex offenders confined to the department of corrections.

Sec. 125. Section 9, chapter 155, Laws of 1979 as last amended by section 8, chapter 450, Laws of 1987 and RCW 13.50.050 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (11) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section ~~((and))~~, RCW 13.50.010, and sections 101 and 117 of this 1990 act.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in section 117 of this 1990 act, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(8) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(9) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(10) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (24) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(11) The court shall grant the motion to seal records made pursuant to subsection (10) of this section if it finds that:

(a) Two years have elapsed from the later of: (i) Final discharge of the person from the supervision of any agency charged with supervising juvenile offenders; or (ii) from the entry of a court order relating to the commission of a juvenile offense or a criminal offense;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense; and

(c) No proceeding is pending seeking the formation of a diversion agreement with that person.

(12) The person making a motion pursuant to subsection (10) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(13) If the court grants the motion to seal made pursuant to subsection (10) of this section, it shall, subject to subsection (24) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(14) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection (24) of this section.

(15) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any conviction for any adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW for any juvenile adjudication of guilt for a class A offense or a sex offense as defined in RCW 9.94A.030.

(16) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (24) of this section, order the destruction of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(17) The court may grant the motion to destroy records made pursuant to subsection (16) of this section if it finds:

(a) The person making the motion is at least twenty-three years of age;

(b) The person has not subsequently been convicted of a felony;

(c) No proceeding is pending against that person seeking the conviction of a criminal offense; and

(d) The person has never been found guilty of a serious offense.

(18) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted, subject to subsection (24) of this section, if the court finds that two years have elapsed since completion of the diversion agreement.

(19) If the court grants the motion to destroy records made pursuant to subsection (16) or (18) of this section, it shall, subject to subsection (24) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(20) The person making the motion pursuant to subsection (16) or (18) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(21) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(22) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(23) Any juvenile justice or care agency may, subject to the limitations in subsection (24) of this section and subparagraphs (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

(24) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birth-date or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

Sec. 126. Section 15, chapter 133, Laws of 1955 and RCW 9.95.140 are each amended to read as follows:

The board of prison terms and paroles shall cause a complete record to be kept of every prisoner released on parole. Such records shall be organized in accordance with the most modern methods of filing and indexing so that there will be always immediately available complete information about each such prisoner. The board may make rules as to the privacy of such records and their use by others than the board and its staff. In determining the rules regarding dissemination of information regarding convicted sex offenders under the board's jurisdiction, the board shall consider the provisions of sections 116 and 117 of this 1990 act and shall be immune from liability for the release of information concerning sex offenders as provided in section 117 of this 1990 act.

The superintendent of the penitentiary and the reformatory and all officers and employees thereof and all other public officials shall at all times cooperate with the board and furnish to the board, its officers, and employees such information as may be necessary to enable it to perform its functions, and such superintendents and other employees shall at all times give the members of the board, its officers, and employees free access to all prisoners confined in the penal institutions of the state.

NEW SECTION. Sec. 127. A new section is added to chapter 9.95 RCW to read as follows:

In addition to any other information required to be released under this chapter, the indeterminate sentence review board may, pursuant to section 117 of this act, release information concerning inmates under the jurisdiction of the indeterminate sentence review board who are convicted of sex offenses as defined in RCW 9.94A.030.

Sec. 128. Section 3, chapter 314, Laws of 1977 ex. sess. as last amended by section 1, chapter 36, Laws of 1979 ex. sess. and RCW 10.97.030 are each amended to read as follows:

For purposes of this chapter, the definitions of terms in this section shall apply.

(1) "Criminal history record information" means information contained in records collected by criminal justice agencies, other than courts, on individuals, (~~other than juveniles~~;) consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, including sentences, correctional supervision, and release. The term includes information contained in records maintained by or obtained from criminal justice agencies, other than courts, which records provide individual identification of a person together with any portion of the individual's record of involvement in the criminal justice system as an alleged or convicted offender, except:

(a) Posters, announcements, or lists for identifying or apprehending fugitives or wanted persons;

(b) Original records of entry maintained by criminal justice agencies to the extent that such records are compiled and maintained chronologically and are accessible only on a chronological basis;

(c) Court indices and records of public judicial proceedings, court decisions, and opinions, and information disclosed during public judicial proceedings;

(d) Records of traffic violations which are not punishable by a maximum term of imprisonment of more than ninety days;

(e) Records of any traffic offenses as maintained by the department of licensing for the purpose of regulating the issuance, suspension, revocation, or renewal of drivers' or other operators' licenses and pursuant to RCW 46.52.130 as now existing or hereafter amended;

(f) Records of any aviation violations or offenses as maintained by the department of transportation for the purpose of regulating pilots or other aviation operators, and pursuant to RCW 47.68.330 as now existing or hereafter amended;

(g) Announcements of executive clemency.

(2) "Nonconviction data" consists of all criminal history record information relating to an incident which has not led to a conviction or other disposition adverse to the subject, and for which proceedings are no longer actively pending. There shall be a rebuttable presumption that proceedings are no longer actively pending if more than one year has elapsed since arrest, citation, or service of warrant and no disposition has been entered.

(3) "Conviction record" means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the subject.

(4) "Conviction or other disposition adverse to the subject" means any disposition of charges, except a decision not to prosecute, a dismissal, or acquittal except when the acquittal is due to a finding of not guilty by reason of insanity pursuant to chapter 10.77 RCW and the person was committed pursuant to chapter 10.77 RCW; PROVIDED, HOWEVER, That a dismissal entered after a period of probation, suspension, or deferral of sentence shall be considered a disposition adverse to the subject.

(5) "Criminal justice agency" means: (a) A court; or (b) a government agency which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice.

(6) "The administration of criminal justice" means performance of any of the following activities: Detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The term also includes criminal identification activities and the collection, storage, dissemination of criminal history record information, and the compensation of victims of crime.

(7) "Disposition" means the formal conclusion of a criminal proceeding at whatever stage it occurs in the criminal justice system.

(8) "Dissemination" means disclosing criminal history record information or disclosing the absence of criminal history record information to any person or agency outside the agency possessing the information, subject to the following exceptions:

(a) When criminal justice agencies jointly participate in the maintenance of a single record keeping department as an alternative to maintaining separate records, the furnishing of information by that department to personnel of any participating agency is not a dissemination;

(b) The furnishing of information by any criminal justice agency to another for the purpose of processing a matter through the criminal justice system, such as a police department providing information to a prosecutor for use in preparing a charge, is not a dissemination;

(c) The reporting of an event to a record keeping agency for the purpose of maintaining the record is not a dissemination.

Sec. 129. Section 5, chapter 314, Laws of 1977 ex. sess. and RCW 10.97.050 are each amended to read as follows:

(1) Conviction records may be disseminated without restriction.

(2) Any criminal history record information which pertains to an incident for which a person is currently being processed by the criminal justice system, including the entire period of correctional supervision extending through final discharge from parole, when applicable, may be disseminated without restriction.

(3) Criminal history record information which includes nonconviction data may be disseminated by a criminal justice agency to another criminal justice agency for any purpose associated with the administration of criminal justice, or in connection with the employment of the subject of the record by a criminal justice or juvenile justice agency. A criminal justice agency may respond to any inquiry from another criminal justice agency without any obligation to ascertain the purpose for which the information is to be used by the agency making the inquiry.

(4) Criminal history record information which includes nonconviction data may be disseminated by a criminal justice agency to implement a statute, ordinance, executive order, or a court rule, decision, or order which expressly refers to records of arrest, charges, or allegations

of criminal conduct or other nonconviction data and authorizes or directs that it be available or accessible for a specific purpose.

(5) Criminal history record information which includes nonconviction data may be disseminated to individuals and agencies pursuant to a contract with a criminal justice agency to provide services related to the administration of criminal justice. Such contract must specifically authorize access to criminal history record information, but need not specifically state that access to nonconviction data is included. The agreement must limit the use of the criminal history record information to stated purposes and insure the confidentiality and security of the information consistent with state law and any applicable federal statutes and regulations.

(6) Criminal history record information which includes nonconviction data may be disseminated to individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency. Such agreement must authorize the access to nonconviction data, limit the use of that information which identifies specific individuals to research, evaluative, or statistical purposes, and contain provisions giving notice to the person or organization to which the records are disseminated that the use of information obtained therefrom and further dissemination of such information are subject to the provisions of this chapter and applicable federal statutes and regulations, which shall be cited with express reference to the penalties provided for a violation thereof.

(7) Every criminal justice agency that maintains and disseminates criminal history record information must maintain information pertaining to every dissemination of criminal history record information except a dissemination to the effect that the agency has no record concerning an individual. Information pertaining to disseminations shall include:

(a) An indication of to whom (agency or person) criminal history record information was disseminated;

(b) The date on which the information was disseminated;

(c) The individual to whom the information relates; and

(d) A brief description of the information disseminated.

The information pertaining to dissemination required to be maintained shall be retained for a period of not less than one year.

(8) In addition to the other provisions in this section allowing dissemination of criminal history record information, section 117 of this 1990 act governs dissemination of information concerning offenders who commit sex offenses as defined by RCW 9.94A.030. Criminal justice agencies, their employees, and officials shall be immune from civil liability for dissemination on criminal history record information concerning sex offenders as provided in section 117 of this 1990 act.

Sec. 130. Section 10, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.100 are each amended to read as follows:

(1) A department of corrections or chief law enforcement officer responsible for the operation of a jail shall maintain a jail register, open to the public, into which shall be entered in a timely basis:

(a) The name of each person confined in the jail with the hour, date and cause of the confinement; and

(b) The hour, date and manner of each person's discharge.

(2) Except as provided in subsection (3) of this section the records of a person confined in jail shall be held in confidence and shall be made available only to criminal justice agencies as defined in RCW 43.43.705; or

(a) For use in inspections made pursuant to RCW 70.48.070;

(b) In jail certification proceedings;

(c) For use in court proceedings upon the written order of the court in which the proceedings are conducted; or

(d) Upon the written permission of the person.

(3) (a) Law enforcement may use booking photographs of a person arrested or confined in a local or state penal institution to assist them in conducting investigations of crimes.

(b) Photographs and information concerning a person convicted of a sex offense as defined in RCW 9.94A.030 may be disseminated as provided in sections 401 through 409 and 117 of this 1990 act.

Sec. 131. Section 14, chapter 152, Laws of 1972 ex. sess. as amended by section 108, chapter 3, Laws of 1983 and RCW 43.43.765 are each amended to read as follows:

The principal officers of the jails, correctional institutions, state mental institutions and all places of detention to which a person is committed under chapter 10.77 RCW ((or)), chapter 71.06 RCW, or sections 1001 through 1012 of this 1990 act for treatment or under a sentence of imprisonment for any crime as provided for in RCW 43.43.735 shall within seventy-two hours, report to the section, any interinstitutional transfer, release or change of release status of any person held in custody pursuant to the rules promulgated by the chief.

The principal officers of all state mental institutions to which a person has been committed under chapter 10.77 RCW ((or)), chapter 71.06 RCW, or sections 1001 through 1012 of this 1990 act shall keep a record of the photographs, description, fingerprints, and other identification data as may be obtainable from the appropriate criminal justice agency.

PART II
EARNED EARLY RELEASE

Sec. 201. Section 1, chapter 248, Laws of 1989 and RCW 9.92.151 are each amended to read as follows:

The sentence of a prisoner confined in a county jail facility for a felony, gross misdemeanor, or misdemeanor conviction may be reduced by earned release credits in accordance with procedures that shall be developed and promulgated by the ~~((facility))~~ correctional agency having jurisdiction. The earned early release time shall be for good behavior and good performance as determined by the ~~((facility))~~ correctional agency having jurisdiction. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. The correctional agency shall not credit the offender with earned early release credits in advance of the offender actually earning the credits. In the case of an offender convicted of a serious violent offense or a sex offense that is a class A felony committed on or after July 1, 1990, the aggregate earned early release time may not exceed fifteen percent of the sentence. In no other case may the aggregate earned early release time exceed one-third of the total sentence.

Sec. 202. Section 2, chapter 248, Laws of 1989 and RCW 9.94A.150 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) ~~Except ((for persons convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW)) as otherwise provided for in subsection (2) of this section, the term((s)) of the sentence of an offender committed to a ((county jail facility, or a)) correctional facility operated by the department, may be reduced by earned early release time in accordance with procedures that shall be developed and promulgated by the correctional ((facility)) agency having jurisdiction in which the offender is confined. The earned early release time shall be for good behavior and good performance, as determined by the correctional ~~((facility))~~ agency having jurisdiction. The correctional agency shall not credit the offender with earned early release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department of corrections, the county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned early release time. In the case of an offender convicted of a serious violent offense or a sex offense that is a class A felony committed on or after July 1, 1990, the aggregate earned early release time may not exceed fifteen percent of the sentence. In no other case shall the aggregate earned early release time exceed one-third of the total sentence.~~~~((Persons convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW may become eligible for community custody in lieu of earned early release time in accordance with the program developed by the department)):~~

(2) ~~((When))~~ A person convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW ~~((s))~~ may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned early release time pursuant to subsection (1) of this section.~~((as computed by the department of corrections, the offender shall be transferred to community custody.)):~~

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers:

(4) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances:

(5) No more than the final six months of the sentence may be served in partial confinement designed to aid the offender in finding work and reestablishing him or herself in the community:

(6) The governor may pardon any offender;

(7) The department of corrections may release an offender from confinement any time within ten days before a release date calculated under this section; and

(8) An offender may leave a correctional facility prior to completion of his sentence if the sentence has been reduced as provided in RCW 9.94A.160.

Sec. 203. Section 17, chapter 232, Laws of 1979 ex. sess. as last amended by section 3, chapter 248, Laws of 1989 and RCW 70.48.210 are each amended to read as follows:

(1) All cities and counties are authorized to establish and maintain farms, camps, and work release programs and facilities, as well as special detention facilities. The facilities shall meet the requirements of chapter 70.48 RCW and any rules adopted thereunder.

(2) Farms and camps may be established either inside or outside the territorial limits of a city or county. A sentence of confinement in a city or county jail may include placement in a farm or camp. Unless directed otherwise by court order, the chief law enforcement officer or department of corrections, may transfer the prisoner to a farm or camp. The sentencing court, chief law enforcement officer, or department of corrections may not transfer to a farm or camp a greater number of prisoners than can be furnished with constructive employment and can be reasonably accommodated.

(3) The city or county may establish a city or county work release program and housing facilities for the prisoners in the program. In such regard, factors such as employment conditions and the condition of jail facilities should be considered. When a work release program is established the following provisions apply:

(a) A person convicted of a felony and placed in a city or county jail is eligible for the work release program. A person sentenced to a city or county jail is eligible for the work release program. The program may be used as a condition of probation for a criminal offense. Good conduct is a condition of participation in the program.

(b) The court may permit a person who is currently, regularly employed to continue his or her employment. The chief law enforcement officer or department of corrections shall make all necessary arrangements if possible. The court may authorize the person to seek suitable employment and may authorize the chief law enforcement officer or department of corrections to make reasonable efforts to find suitable employment for the person. A person participating in the work release program may not work in an establishment where there is a labor dispute.

(c) The work release prisoner shall be confined in a work release facility or jail unless authorized to be absent from the facility for program-related purposes, unless the court directs otherwise.

(d) Each work release prisoner's earnings may be collected by the chief law enforcement officer or a designee. The chief law enforcement officer or a designee may deduct from the earnings moneys for the payments for the prisoner's board, personal expenses inside and outside the jail, a share of the administrative expenses of this section, court-ordered victim compensation, and court-ordered restitution. Support payments for the prisoner's dependents, if any, shall be made as directed by the court. With the prisoner's consent, the remaining funds may be used to pay the prisoner's preexisting debts. Any remaining balance shall be returned to the prisoner.

(e) The prisoner's sentence may be reduced by earned early release time in accordance with procedures that shall be developed and promulgated by the work release facility. The earned early release time shall be for good behavior and good performance as determined by the facility. The facility shall not credit the offender with earned early release credits in advance of the offender actually earning the credits. In the case of an offender convicted of a serious violent offense or a sex offense that is a class A felony committed on or after July 1, 1990, the aggregate earned early release time may not exceed fifteen percent of the sentence. In no other case may the aggregate earned early release time exceed one-third of the total sentence.

(f) If the work release prisoner violates the conditions of custody or employment, the prisoner shall be returned to the sentencing court. The sentencing court may require the prisoner to spend the remainder of the sentence in actual confinement and may cancel any earned reduction of the sentence.

(4) A special detention facility may be operated by a noncorrectional agency or by non-correctional personnel by contract with the governing unit. The employees shall meet the standards of training and education established by the criminal justice training commission as authorized by RCW 43.101.080. The special detention facility may use combinations of features including, but not limited to, low-security or honor prisoner status, work farm, work release, community review, prisoner facility maintenance and food preparation, training programs, or alcohol or drug rehabilitation programs. Special detention facilities may establish a reasonable fee schedule to cover the cost of facility housing and programs. The schedule shall be on a sliding basis that reflects the person's ability to pay.

PART III

JUVENILE JUSTICE ACT AMENDMENTS

Sec. 301. Section 56, chapter 291, Laws of 1977 ex. sess. as last amended by section 1, chapter 407, Laws of 1989 and RCW 13.40.020 are each amended to read as follows:

For the purposes of this chapter:

(1) "Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:

(a) A class A felony, or an attempt to commit a class A felony;

(b) Manslaughter in the first degree ((or rape in the second degree)); or

(c) Assault in the second degree, extortion in the first degree, child molestation in the ~~((first or))~~ second degree, ~~((rape of a child in the second degree;))~~ kidnapping in the second degree, robbery in the second degree, residential burglary, or burglary in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon or firearm as defined in RCW 9A.04.110;

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses and include one or more of the following:

(a) A fine, not to exceed one hundred dollars;

(b) Community service not to exceed one hundred fifty hours of service;

(c) Attendance of information classes;

(d) Counseling; or

(e) Such other services to the extent funds are available for such services, conditions, or limitations as the court may require which may not include confinement;

(4) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a facility operated by or pursuant to a contract with any county. Confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(5) "Court", when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(6) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history;

(7) "Department" means the department of social and health services;

(8) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender or any other person or entity with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.04.040, as now or hereafter amended, or any person or entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter;

(9) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(10) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court;

(11) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(12) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(13) "Middle offender" means a person who has committed an offense and who is neither a minor or first offender nor a serious offender;

(14) "Minor or first offender" means a person sixteen years of age or younger whose current offense(s) and criminal history fall entirely within one of the following categories:

(a) Four misdemeanors;

(b) Two misdemeanors and one gross misdemeanor;

(c) One misdemeanor and two gross misdemeanors;

(d) Three gross misdemeanors;

(e) One class C felony except manslaughter in the second degree and one misdemeanor or gross misdemeanor;

(f) One class B felony except: Any felony which constitutes an attempt to commit a class A felony; manslaughter in the first degree; ~~((rape in the second degree;))~~ assault in the second degree; extortion in the first degree; indecent liberties; kidnapping in the second degree; robbery in the second degree; burglary in the second degree; ~~((rape of a child in the second degree;))~~ residential burglary; vehicular homicide; ~~((child molestation in the first degree;))~~ or arson in the second degree.

For purposes of this definition, current violations shall be counted as misdemeanors:

(15) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(16) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(17) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, ~~(and) lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense.~~ Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(18) "Secretary" means the secretary of the department of social and health services;

(19) "Services" mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(20) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(21) "Sexual motivation" means the respondent committed the offense for the purpose of his or her sexual gratification;

(22) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

~~((21))~~ (23) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration.

Sec. 302, Section 70, chapter 291, Laws of 1977 ex. sess. as last amended by section 4, chapter 407, Laws of 1989 and RCW 13.40.160 are each amended to read as follows:

(1) When the respondent is found to be a serious offender, the court shall commit the offender to the department for the standard range of disposition for the offense, as indicated in option A of schedule D-3, RCW 13.40.0357 except as provided in subsection (5) of this section.

If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option B of schedule D-3, RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030~~((5))~~(2), as now or hereafter amended, shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230 as now or hereafter amended.

(2) Where the respondent is found to be a minor or first offender, the court shall order that the respondent serve a term of community supervision as indicated in option A or option B of schedule D-1, RCW 13.40.0357 except as provided in subsection (5) of this section. If the court determines that a disposition of community supervision would effectuate a manifest injustice the court may impose another disposition under option C of schedule D-1, RCW 13.40.0357. Except as provided in subsection (5) of this section, a disposition other than a community supervision may be imposed only after the court enters reasons upon which it bases its conclusions that imposition of community supervision would effectuate a manifest injustice. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030~~((5))~~(2), as now or hereafter amended, shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

~~((Any))~~ Except for disposition ((other than)) of community supervision or a disposition imposed pursuant to subsection (5) of this section, a disposition may be appealed as provided in RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition of community supervision or a disposition imposed pursuant to subsection (5) of this section may not be appealed under RCW 13.40.230 as now or hereafter amended.

(3) Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement, the court shall impose a term of community supervision limited to the conditions allowed in a diversion agreement as provided in RCW 13.40.080(2) as now or hereafter amended.

(4) If a respondent is found to be a middle offender:

(a) The court shall impose a determinate disposition within the standard range(s) for such offense, as indicated in option A of schedule D-2, RCW 13.40.0357 except as provided in subsection (5) of this section: PROVIDED, That if the standard range includes a term of confinement

exceeding thirty days, commitment shall be to the department for the standard range of confinement; or

(b) The court shall impose a determinate disposition of community supervision and/or up to thirty days confinement, as indicated in option B of schedule D-2, RCW 13.40.0357 in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150 as now or hereafter amended.

(c) Only if the court concludes, and enters reasons for its conclusions, that disposition as provided in subsection (4) (a) or (b) of this section would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030~~((6))~~(2), as now or hereafter amended, shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

(d) A disposition pursuant to subsection (4)(c) of this section is appealable under RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition pursuant to subsection (4) (a) or (b) of this section is not appealable under RCW 13.40.230 as now or hereafter amended.

(5) When a serious, middle, or minor first offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(a) (i) Frequency and type of contact between the offender and therapist;

(ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;

(iv) Anticipated length of treatment; and

(v) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, and the court may suspend the execution of the disposition and place the offender on community supervision for up to two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

(b) (i) Devote time to a specific education, employment, or occupation;

(ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;

(iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;

(iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;

(v) Report as directed to the court and a probation counselor;

(vi) Pay all court-ordered legal financial obligations, perform community service, or any combination thereof; or

(vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense.

The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

After July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to sections 801 through 809 of this 1990 act.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the sentence. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(6) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

((6) in its dispositional order) (7) Except as provided for in subsection (5) of this section, the court shall not suspend or defer the imposition or the execution of the disposition.

((7)) (8) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

Sec. 303. Section 65, chapter 291, Laws of 1977 ex. sess. as last amended by section 18, chapter 145, Laws of 1988 and RCW 13.40.110 are each amended to read as follows:

(1) The prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing on the question of declining jurisdiction. Unless waived by the court, the parties, and their counsel, a decline hearing shall be held where:

(a) The respondent is fifteen, sixteen, or seventeen years of age and the information alleges a class A felony or an attempt, solicitation, or conspiracy to commit a class A felony; or

(b) The respondent is seventeen years of age and the information alleges assault in the second degree, extortion in the first degree, indecent liberties, ~~((rape of a child in the second degree,))~~ child molestation in the ~~((first or))~~ second degree, kidnapping in the second degree, ~~((rape in the second degree,))~~ or robbery in the second degree.

(2) The court after a decline hearing may order the case transferred for adult criminal prosecution upon a finding that the declination would be in the best interest of the juvenile or the public. The court shall consider the relevant reports, facts, opinions, and arguments presented by the parties and their counsel.

(3) When the respondent is transferred for criminal prosecution or retained for prosecution in juvenile court, the court shall set forth in writing its finding which shall be supported by relevant facts and opinions produced at the hearing.

Sec. 304. Section 75, chapter 291, Laws of 1977 ex. sess. as last amended by section 4, chapter 505, Laws of 1987 and RCW 13.40.210 are each amended to read as follows:

(1) The secretary shall, except in the case of a juvenile committed by a court to a term of confinement in a state institution outside the appropriate standard range for the offense(s) for which the juvenile was found to be guilty established pursuant to RCW 13.40.030, as now or hereafter amended, set a release or discharge date for each juvenile committed to its custody which shall be within the prescribed range to which a juvenile has been committed. Such dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter: PROVIDED, That days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion

of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release at the end of each calendar year if any such early releases have occurred during that year as a result of excessive in-residence population. In no event shall a serious offender, as defined in RCW 13.40.020(1) be granted release under the provisions of this subsection.

(3) Following the juvenile's release pursuant to subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months, except that in the case of a juvenile sentenced for rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties with forcible compulsion, the period of parole shall be twenty-four months. ((Such)) A parole program ((shall be)) is mandatory for offenders released under subsection (2) of this section. The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal may require the juvenile to: (a) Undergo available medical or psychiatric treatment; (b) report as directed to a parole officer; (c) pursue a course of study or vocational training; (d) remain within prescribed geographical boundaries and notify the department of any change in his or her address; and (e) refrain from committing new offenses. After termination of the parole period, the juvenile shall be discharged from the department's supervision.

(4) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (a) Continued supervision under the same conditions previously imposed; (b) intensified supervision with increased reporting requirements; (c) additional conditions of supervision authorized by this chapter; ((and)) (d) except as provided in (e) of this subsection, imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision; and (e) the secretary may order any of the conditions or may return the offender to confinement in an institution for the remainder of the sentence range if the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined by RCW 9.94A.030.

(5) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest such person.

(6) If so requested and approved under chapter 13.06 RCW, the secretary shall permit a county or group of counties to perform functions under subsections (3) through (5) of this section.

NEW SECTION. Sec. 305. A new section is added to chapter 74.13 RCW to read as follows:

(1) For the purposes of funds appropriated for the treatment of at-risk juvenile sex offenders, "at-risk juvenile sex offenders" means those juveniles in the care and custody of the state who:

- (a) Have been abused; and
- (b) Have committed a sexually aggressive or other violent act that is sexual in nature; or
- (c) Cannot be detained under the juvenile justice system due to being under age twelve and incompetent to stand trial for acts that could be prosecuted as sex offenses as defined by RCW 9.94A.030 if the juvenile was over twelve years of age, or competent to stand trial if under twelve years of age.

(2) In expending these funds, the department of social and health services shall establish in each region a case review committee to review all cases for which the funds are used. In determining whether to use these funds in a particular case, the committee shall consider:

- (a) The age of the juvenile;
- (b) The extent and type of abuse to which the juvenile has been subjected;
- (c) The juvenile's past conduct;
- (d) The benefits that can be expected from the treatment; and
- (e) The cost of the treatment.

PART IV

REGISTRATION OF SEX OFFENDERS

NEW SECTION. Sec. 401. The legislature finds that sex offenders often pose a high risk of reoffense, and that law enforcement's efforts to protect their communities, conduct investigations, and quickly apprehend offenders who commit sex offenses, are impaired by the lack of information available to law enforcement agencies about convicted sex offenders who live within the law enforcement agency's jurisdiction. Therefore, this state's policy is to assist local

law enforcement agencies' efforts to protect their communities by regulating sex offenders by requiring sex offenders to register with local law enforcement agencies as provided in section 402 of this act.

NEW SECTION, Sec. 402. A new section is added to chapter 9A.44 RCW to read as follows:

(1) Any adult or juvenile residing in this state who has been found to have committed or has been convicted of any sex offense shall register with the county sheriff for the county of the person's residence.

(2) The person shall, within forty-five days of establishing residence in Washington, or if a current resident within thirty days of release from confinement, if any, provide the county sheriff with the following information: (a) Name; (b) address; (c) place of employment; (d) crime for which convicted; (e) date and place of conviction; (f) aliases used; and (g) social security number.

(3) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff within ten days of establishing the new residence. If any person required to register pursuant to this section moves to a new county, the person must register with the county sheriff in the new county within ten days of establishing the new residence. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered.

(4) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

(5) "Sex offense" for the purpose of sections 402 through 406 of this act means any offense defined as a sex offense by RCW 9.94A.030:

(a) Committed on or after the effective date of this section; or

(b) Committed prior to the effective date of this section if the person, as a result of the offense, is under the custody or active supervision of the department of corrections or the department of social and health services on or after the effective date of this section.

(6) A person who knowingly fails to register as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a class A felony or a federal or out-of-state conviction for an offense that under the laws of this state would be a class A felony. If the crime was other than a class A felony or a federal or out-of-state conviction for an offense that under the laws of this state would be a class A felony, violation of this section is a gross misdemeanor.

NEW SECTION, Sec. 403. A new section is added to chapter 43.43 RCW to read as follows:

The county sheriff shall forward the information and fingerprints obtained pursuant to section 402 of this act to the Washington state patrol within five working days. The state patrol shall maintain a central registry of sex offenders required to register under section 402 of this act and shall adopt rules consistent with chapters 10.97, 10.98, and 43.43 RCW as are necessary to carry out the purposes of sections 402 through 408 of this act. The Washington state patrol shall reimburse the counties for the costs of processing the sex offender registration, including taking the fingerprints and the photographs.

NEW SECTION, Sec. 404. A new section is added to chapter 10.01 RCW to read as follows:

The court shall provide written notification to any defendant charged with a sex offense of the registration requirements of section 402 of this act. Such notice shall be included on any guilty plea forms and judgment and sentence forms provided to the defendant.

NEW SECTION, Sec. 405. A new section is added to chapter 72.09 RCW to read as follows:

(1) The department shall provide written notification to an inmate convicted of a sex offense of the registration requirements of section 402 of this act at the time of the inmate's release from confinement and shall receive and retain a signed acknowledgement of receipt.

(2) The department shall provide written notification to an individual convicted of a sex offense from another state of the registration requirements of section 402 of this act at the time the department accepts supervision and has legal authority of the individual under the terms and conditions of the interstate compact agreement under RCW 9.95.270.

NEW SECTION, Sec. 406. A new section is added to chapter 70.48 RCW to read as follows:

A person having charge of a jail shall notify in writing any confined person who is in the custody of the jail for a conviction of a sexual offense as defined in RCW 9.94A.030 of the registration requirements of section 402 of this act at the time of the inmate's release from confinement, and shall obtain written acknowledgment of such notification.

NEW SECTION, Sec. 407. A new section is added to chapter 46.20 RCW to read as follows:

The department, at the time a person renews his or her driver's license or identicard, or surrenders a driver's license from another jurisdiction pursuant to RCW 46.20.021 and makes an application for a driver's license or an identicard, shall provide the applicant with written information on the registration requirements of section 402 of this act.

NEW SECTION, Sec. 408. A new section is added to chapter 9A.44 RCW to read as follows:

(1) The duty to register under section 402 of this act shall end:

(a) For a person convicted of a class A felony: Such person may only be relieved of the duty to register under subsection (2) of this section.

(b) For a person convicted of a class B felony: Fifteen years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent fifteen consecutive years in the community without being convicted of any new offenses.

(c) For a person convicted of a class C felony: Ten years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent ten consecutive years in the community without being convicted of any new offenses.

(2) Any person having a duty to register under section 402 of this act may petition the superior court to be relieved of that duty. The petition shall be made to the court in which the petitioner was convicted of the offense that subjects him or her to the duty to register, or, in the case of convictions in other states, to the court in Thurston county. The prosecuting attorney of the county shall be named and served as the respondent in any such petition. The court shall consider the nature of the registrable offense committed, and the criminal and relevant noncriminal behavior of the petitioner both before and after conviction, and may consider other factors. The court may relieve the petitioner of the duty to register only if the petitioner shows, with clear and convincing evidence, that future registration of the petitioner will not serve the purposes of sections 402 through 408 of this act.

(3) Unless relieved of the duty to register pursuant to this section, a violation of section 402 of this act is an ongoing offense for purposes of the statute of limitations under RCW 9A.04.080.

(4) Nothing in RCW 9.94A.220 relating to discharge of an offender shall be construed as operating to relieve the offender of his or her duty to register pursuant to section 402 of this act.

Sec. 409, Section 10, chapter 152, Laws of 1972 ex. sess. as last amended by section 6, chapter 346, Laws of 1985 and RCW 43.43.745 are each amended to read as follows:

(1) It shall be the duty of the sheriff or director of public safety of every county, of the chief of police of each city or town, or of every chief officer of other law enforcement agencies operating within this state, to record the fingerprints of all persons held in or remanded to their custody when convicted of any crime as provided for in RCW 43.43.735 for which the penalty of imprisonment might be imposed and to disseminate and file such fingerprints in the same manner as those recorded upon arrest pursuant to RCW 43.43.735 and 43.43.740.

(2) Every time the secretary authorizes a furlough as provided for in RCW 72.66.012 the department of corrections shall notify, forty-eight hours prior to the beginning of such furlough, the section that the named prisoner has been granted a furlough, the place to which furloughed, and the dates and times during which the prisoner will be on furlough status. In the case of an emergency furlough the forty-eight hour time period shall not be required but notification shall be made as promptly as possible and before the prisoner is released on furlough. Upon receipt of furlough information pursuant to the provisions of this subsection the section shall notify the sheriff or director of public safety of the county to which the prisoner is being furloughed, the nearest attachment of the Washington state patrol in the county wherein the furloughed prisoner shall be residing and such other criminal justice agencies as the section may determine should be so notified.

(3) Disposition of the charge for which the arrest was made shall be reported to the section at whatever stage in the proceedings a final disposition occurs by the arresting law enforcement agency, county prosecutor, city attorney, or court having jurisdiction over the offense: PROVIDED, That the chief shall promulgate rules pursuant to chapter 34.05 RCW to carry out the provisions of this subsection.

(4) Whenever a person serving a sentence for a term of confinement in a state correctional facility for convicted felons, pursuant to court commitment, is released on an order of the state indefinite sentence review board (~~(of prison terms and paroles)~~), or is discharged from custody on expiration of sentence, the department of corrections shall promptly notify the section that the named person has been released or discharged, the place to which such person has been released or discharged, and the conditions of his release or discharge, and shall additionally notify the section of change in residence or conditions of release or discharge of persons on active parole supervision, and shall notify the section when persons are discharged from active parole supervision.

~~((No city, town, county, or local law enforcement authority or other agency thereof may require that a convicted felon entering, sojourning, visiting, in transit, or residing in such city, town, county, or local area report or make himself known as a convicted felon or make application for and/or carry on his person a felon identification card or other registration document.))~~ Local law enforcement agencies may require persons convicted of sex offenses to register pursuant to section 402 of this 1990 act. In addition, nothing ~~((herein))~~ in this section shall ~~((however,))~~ be construed to prevent any local law enforcement authority from recording the residency and other information concerning any convicted felon or other person convicted of a criminal offense when such information is obtained from a source other than from ~~((such requirement))~~ registration pursuant to section 402 of this 1990 act which source may include any officer or other agency or subdivision of the state.

PART V
CRIME VICTIMS' COMPENSATION

Sec. 501. Section 6, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 98, Laws of 1986 and RCW 7.68.060 are each amended to read as follows:

(1) For the purposes of applying for benefits under this chapter, the rights, privileges, responsibilities, duties, limitations and procedures contained in RCW 51.28.020, 51.28.030, 51.28.040 and 51.28.060 as now or hereafter amended shall apply: PROVIDED, That no compensation of any kind shall be available under this chapter if:

(a) An application for benefits is not received by the department within one year after the date the criminal act was reported to a local police department or sheriff's office or the date the rights of dependents or beneficiaries accrued; or

(b) The criminal act is not reported by the victim or someone on his or her behalf to a local police department or sheriff's office within ~~((seventy-two hours))~~ twelve months of its occurrence or, if it could not reasonably have been reported within that period, within ~~((seventy-two hours))~~ twelve months of the time when a report could reasonably have been made. In making determinations as to reasonable time limits, the department shall give greatest weight to the needs of the victims.

(2) This section shall apply only to criminal acts reported after December 31, 1985.

(3) Because victims of childhood criminal acts may repress conscious memory of such criminal acts far beyond the age of eighteen, the rights of adult victims of childhood criminal acts shall accrue at the time the victim discovers or reasonably should have discovered the elements of the crime. In making determinations as to reasonable time limits, the department shall give greatest weight to the needs of the victim.

Sec. 502. Section 7, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 5, Laws of 1989 1st ex. sess. and RCW 7.68.070 are each amended to read as follows:

The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51.32 RCW as now or hereafter amended except as provided in this section:

(1) The provisions contained in RCW 51.32.015, 51.32.030, 51.32.072, 51.32.073, 51.32.180, 51.32.190, and 51.32.200 as now or hereafter amended are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, or the victim's family or dependents in case of death of the victim, are entitled to benefits in accordance with this chapter, subject to the limitations under RCW 7.68.015. The rights, duties, responsibilities, limitations, and procedures applicable to a worker as contained in RCW 51.32.010 as now or hereafter amended are applicable to this chapter.

(3) The limitations contained in RCW 51.32.020 as now or hereafter amended are applicable to claims under this chapter. In addition thereto, no person or spouse, child, or dependent of such person is entitled to benefits under this chapter when the injury for which benefits are sought, was:

(a) The result of consent, provocation, or incitement by the victim;

(b) Sustained while the crime victim was engaged in the attempt to commit, or the commission of, a felony; or

(c) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services or the department of corrections, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services or the department of corrections.

(4) The benefits established upon the death of a worker and contained in RCW 51.32.050 as now or hereafter amended shall be the benefits obtainable under this chapter and provisions relating to payment contained in that section shall equally apply under this chapter: PROVIDED, That benefits for burial expenses shall not exceed the maximum cost used by the department of social and health services for the funeral and burial of a deceased indigent person under chapter 74.08 RCW in any claim: PROVIDED FURTHER, That if the criminal act results in the death of a victim who was not gainfully employed at the time of the criminal act, and who was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act:

(a) Benefits payable to an eligible surviving spouse, where there are no children of the victim at the time of the criminal act who have survived the victim or where such spouse has legal custody of all of his or her children, shall be limited to burial expenses and a lump sum payment of seven thousand five hundred dollars without reference to number of children, if any;

(b) Where any such spouse has legal custody of one or more but not all of such children, then such burial expenses shall be paid, and such spouse shall receive a lump sum payment of three thousand seven hundred fifty dollars and any such child or children not in the legal custody of such spouse shall receive a lump sum of three thousand seven hundred fifty dollars to be divided equally among such child or children;

(c) If any such spouse does not have legal custody of any of the children, the burial expenses shall be paid and the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars and any such child or children not in the legal custody of the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars to be divided equally among the child or children:

(d) If no such spouse survives, then such burial expenses shall be paid, and each surviving child of the victim at the time of the criminal act shall receive a lump sum payment of three thousand seven hundred fifty dollars up to a total of two such children and where there are more than two such children the sum of seven thousand five hundred dollars shall be divided equally among such children.

No other benefits may be paid or payable under these circumstances.

(5) The benefits established in RCW 51.32.060 as now or hereafter amended for permanent total disability proximately caused by the criminal act shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That if a victim becomes permanently and totally disabled as a proximate result of the criminal act and was not gainfully employed at the time of the criminal act, the victim shall receive monthly during the period of the disability the following percentages, where applicable, of the average monthly wage determined as of the date of the criminal act pursuant to RCW 51.08.018 as now or hereafter amended:

(a) If married at the time of the criminal act, twenty-nine percent of the average monthly wage.

(b) If married with one child at the time of the criminal act, thirty-four percent of the average monthly wage.

(c) If married with two children at the time of the criminal act, thirty-eight percent of the average monthly wage.

(d) If married with three children at the time of the criminal act, forty-one percent of the average monthly wage.

(e) If married with four children at the time of the criminal act, forty-four percent of the average monthly wage.

(f) If married with five or more children at the time of the criminal act, forty-seven percent of the average monthly wage.

(g) If unmarried at the time of the criminal act, twenty-five percent of the average monthly wage.

(h) If unmarried with one child at the time of the criminal act, thirty percent of the average monthly wage.

(i) If unmarried with two children at the time of the criminal act, thirty-four percent of the average monthly wage.

(j) If unmarried with three children at the time of the criminal act, thirty-seven percent of the average monthly wage.

(k) If unmarried with four children at the time of the criminal act, forty percent of the average monthly wage.

(l) If unmarried with five or more children at the time of the criminal act, forty-three percent of the average monthly wage.

(6) The benefits established in RCW 51.32.080 as now or hereafter amended for permanent partial disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section equally apply under this chapter.

(7) The benefits established in RCW 51.32.090 as now or hereafter amended for temporary total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That no person is eligible for temporary total disability benefits under this chapter if such person was not gainfully employed at the time of the criminal act, and was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act.

(8) The benefits established in RCW 51.32.095 as now or hereafter amended for continuation of benefits during vocational rehabilitation shall be benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That benefits shall not exceed five thousand dollars for any single injury.

(9) The provisions for lump sum payment of benefits upon death or permanent total disability as contained in RCW 51.32.130 as now or hereafter amended apply under this chapter.

(10) The provisions relating to payment of benefits to, for or on behalf of workers contained in RCW 51.32.040, 51.32.055, 51.32.100, 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160, and 51.32.210 as now or hereafter amended are applicable to payment of benefits to, for or on behalf of victims under this chapter.

(11) No person or spouse, child, or dependent of such person is entitled to benefits under this chapter where the person making a claim for such benefits has refused to give reasonable cooperation to state or local law enforcement agencies in their efforts to apprehend and convict the perpetrator(s) of the criminal act which gave rise to the claim.

(12) In addition to other benefits provided under this chapter, victims of sexual assault are entitled to receive appropriate counseling. Fees for such counseling shall be determined by

the department in accordance with RCW 51.04.030, subject to the limitations of RCW 7.68.080. Counseling services may include, if determined appropriate by the department, counseling of members of the victim's immediate family, other than the perpetrator of the assault.

(13) Except for medical benefits authorized under RCW 7.68.080, no more than ~~((fifteen))~~ thirty thousand dollars shall be granted as a result of a single injury or death, except that benefits granted as the result of total permanent disability or death shall not exceed ~~((twenty))~~ forty thousand dollars.

(14) Notwithstanding other provisions of this chapter and Title 51 RCW, benefits payable for total temporary disability under subsection (7) of this section, shall be limited to ~~((ten))~~ fifteen thousand dollars.

(15) Any person who is responsible for the victim's injuries, or who would otherwise be unjustly enriched as a result of the victim's injuries, shall not be a beneficiary under this chapter.

(16) Crime victims' compensation is not available to pay for services covered under chapter 74.09 RCW or Title XIX of the federal social security act, except to the extent that the costs for such services exceed service limits established by the department of social and health services.

Sec. 503. Section 8, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 6, chapter 5, Laws of 1989 1st ex. sess. and RCW 7.68.080 are each amended to read as follows:

The provisions of chapter 51.36 RCW as now or hereafter amended govern the provision of medical aid under this chapter to victims injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, except that:

(1) The provisions contained in RCW 51.36.030, 51.36.040, and 51.36.080 as now or hereafter amended do not apply to this chapter;

(2) The specific provisions of RCW 51.36.020 as now or hereafter amended relating to supplying emergency transportation do not apply: PROVIDED, That:

(a) When the injury to any victim is so serious as to require the victim's being taken from the place of injury to a place of treatment, reasonable transportation costs to the nearest place of proper treatment shall be reimbursed from the fund established pursuant to RCW 7.68.090; and

(b) In the case of alleged rape or molestation of a child the reasonable costs of a colposcope examination shall be reimbursed from the fund pursuant to RCW 7.68.090. Hospital, clinic, and medical charges along with all related fees under this chapter shall conform to regulations promulgated by the director. The director shall set these service levels and fees at a level no lower than those established by the department of social and health services under Title 74 RCW. In establishing fees for medical and other health care services, the director shall consider the director's duty to purchase health care in a prudent, cost-effective manner. The director shall establish rules adopted in accordance with chapter 34.05 RCW. Nothing in this chapter may be construed to require the payment of interest on any billing, fee, or charge.

Sec. 504. Section 3, chapter 5, Laws of 1989 1st ex. sess. and RCW 7.68.085 are each amended to read as follows:

The director of labor and industries shall institute a cap on medical benefits of one hundred fifty thousand dollars per ~~((victim))~~ injury or death. Payment for medical services in excess of the cap shall be made available to any innocent victim under the same conditions as other medical services and if the medical services are:

(1) Necessary for a previously accepted condition;

(2) Necessary to protect the victim's life or prevent deterioration of the victim's previously accepted condition; and

(3) Not available from an alternative source.

The director of financial management and the director of labor and industries shall monitor expenditures from the public safety and education account. Once each fiscal quarter, the director of financial management shall determine if expenditures from the public safety and education account during the prior fiscal quarter exceeded allotments by more than ten percent. Within thirty days of a determination that expenditures exceeded allotments by more than ten percent, the director of financial management shall develop and implement a plan to reduce expenditures from the account to a level that does not exceed the allotments. Such a plan may include across-the-board reductions in allotments from the account to all nonjudicial agencies except for the crime victims compensation program. In implementing the plan, the director of financial management shall seek the cooperation of judicial agencies in reducing their expenditures from the account. The director of financial management shall notify the legislative fiscal committees prior to implementation of the plan.

Development and implementation of the plan is not required if the director of financial management notifies the legislative fiscal committees that increases in the official revenue forecast for the public safety and education account for that fiscal quarter will eliminate the need to reduce expenditures from the account. The official revenue forecast for the public safety and education account shall be prepared by the economic and revenue forecast council pursuant to RCW 82.01.120 and 82.01.130.

For the purposes of this section, an individual will not be required to use his or her assets other than funds recovered as a result of a civil action or criminal restitution, for medical expenses or pain and suffering, in order to qualify for an alternative source of payment.

The director shall, in cooperation with the department of social and health services, establish by October 1, 1989, a process to aid crime victims in identifying and applying for appropriate alternative benefit programs, if any, administered by the department of social and health services.

PART VI -
SEXUAL MOTIVATION IN CRIMINAL OFFENSES

NEW SECTION. Sec. 601. A new section is added to chapter 9.94A RCW to read as follows:

(1) The prosecuting attorney shall file a special allegation of sexual motivation in every criminal case other than sex offenses as defined in RCW 9.94A.030(29) (a) or (c) when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding of sexual motivation by a reasonable and objective fact finder.

(2) In a criminal case wherein there has been a special allegation the state shall prove beyond a reasonable doubt that the accused committed the crime with a sexual motivation. The court shall make a finding of fact of whether or not a sexual motivation was present at the time of the commission of the crime, or if a jury trial is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether or not the defendant committed the crime with a sexual motivation. This finding shall not be applied to sex offenses as defined in RCW 9.94A.030(29) (a) or (c).

(3) The prosecuting attorney shall not withdraw the special allegation of sexual motivation without approval of the court through an order of dismissal of the special allegation. The court shall not dismiss this special allegation unless it finds that such an order is necessary to correct an error in the initial charging decision or unless there are evidentiary problems which make proving the special allegation doubtful.

Sec. 602. Section 2, chapter 252, Laws of 1989 and section 1, chapter 394, Laws of 1989 and RCW 9.94A.030 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means (~~a one-year~~) that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(12) (a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" shall always include juvenile convictions for sex offenses and shall also include(s) a defendant's other prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(13) "Department" means the department of corrections.

(14) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(15) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(16) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(17) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to comply with any limitations on the inmate's movements while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(18) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(19) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(20) (a) "First-time offender" means any person who is convicted of a felony (i) not classified as a violent offense or a sex offense under this chapter, or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction except for adjudications of sex offenses.

(21) "Nonviolent offense" means an offense which is not a violent offense.

(22) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(23) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if

home detention has been ordered by the court, in the residence of either the defendant or a member of the defendant's immediate family, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release and home detention as defined in this section.

(24) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(25) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(26) "Serious traffic offense" means:

(a) Driving while intoxicated (RCW 46.61.502), actual physical control while intoxicated (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(27) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(28) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(29) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes: ((or))

(b) A felony with a finding of sexual motivation under section 601 of this 1990 act; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(30) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(31) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(((31))) (32) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(((32))) (33) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, ~~((child molestation in the first degree, rape in the second degree,))~~ kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, robbery in the second degree, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(((33))) (34) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

(((34))) (35) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, any drug offense, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, unlawful imprisonment as defined in RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home detention may be imposed for offenders convicted of possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403) if the offender fulfills the participation conditions set forth in this subsection and is monitored for drug use by treatment alternatives to street crime (TASC) or a comparable court or agency-referred program. Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender: (a)

Successfully completing twenty-one days in a work release program, (b) having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary, (c) having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense, (d) having no prior charges of escape, and (e) fulfilling the other conditions of the home detention program. Participation in a home detention program shall be conditioned upon: (a) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender, (b) abiding by the rules of the home detention program, and (c) compliance with court-ordered legal financial obligations. The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.

Sec. 603. Section 10, chapter 115, Laws of 1983 as last amended by section 1, chapter 408, Laws of 1989 and RCW 9.94A.390 are each amended to read as follows:

If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the sentence is subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

(c) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time;

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(d) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; or

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; or

(iii) The current offense involved the manufacture of controlled substances for use by other parties; or

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy; or

(v) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional); or

(e) The current offense included a finding of sexual motivation pursuant to section 601 of this 1990 act;

(f) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time; or

((f)) (g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

NEW SECTION, Sec. 604. A new section is added to chapter 13.40 RCW to read as follows:

(1) The prosecuting attorney shall file a special allegation of sexual motivation in every juvenile offense other than sex offenses as defined in RCW 9.94A.030(29) (a) or (c) when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably consistent defense that could be raised under the evidence, would justify a finding of sexual motivation by a reasonable and objective fact finder.

(2) In a juvenile case wherein there has been a special allegation the state shall prove beyond a reasonable doubt that the juvenile committed the offense with a sexual motivation. The court shall make a finding of fact of whether or not the sexual motivation was present at the time of the commission of the offense. This finding shall not be applied to sex offenses as defined in RCW 9.94A.030(29) (a) or (c).

(3) The prosecuting attorney shall not withdraw the special allegation of "sexual motivation" without approval of the court through an order of dismissal. The court shall not dismiss the special allegation unless it finds that such an order is necessary to correct an error in the initial charging decision or unless there are evidentiary problems which make proving the special allegation doubtful.

Sec. 605. Section 69, chapter 291, Laws of 1977 ex. sess. as last amended by section 12, chapter 299, Laws of 1981 and RCW 13.40.150 are each amended to read as follows:

(1) In disposition hearings all relevant and material evidence, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value, even though such evidence may not be admissible in a hearing on the information. The youth or the youth's counsel and the prosecuting attorney shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports when such individuals are reasonably available, but sources of confidential information need not be disclosed. The prosecutor and counsel for the juvenile may submit recommendations for disposition.

(2) For purposes of disposition:

(a) Violations which are current offenses count as misdemeanors;

(b) Violations may not count as part of the offender's criminal history;

(c) In no event may a disposition for a violation include confinement.

(3) Before entering a dispositional order as to a respondent found to have committed an offense, the court shall hold a disposition hearing, at which the court shall:

(a) Consider the facts supporting the allegations of criminal conduct by the respondent;

(b) Consider information and arguments offered by parties and their counsel;

(c) Consider any predisposition reports;

(d) Afford the respondent and the respondent's parent, guardian, or custodian an opportunity to speak in the respondent's behalf;

(e) Allow the victim or a representative of the victim and an investigative law enforcement officer to speak;

(f) Determine the amount of restitution owing to the victim, if any;

(g) Determine whether the respondent is a serious offender, a middle offender, or a minor or first offender;

(h) Consider whether or not any of the following mitigating factors exist:

(i) The respondent's conduct neither caused nor threatened serious bodily injury or the respondent did not contemplate that his or her conduct would cause or threaten serious bodily injury;

(ii) The respondent acted under strong and immediate provocation;

(iii) The respondent was suffering from a mental or physical condition that significantly reduced his or her culpability for the offense though failing to establish a defense;

(iv) Prior to his or her detection, the respondent compensated or made a good faith attempt to compensate the victim for the injury or loss sustained; and

(v) There has been at least one year between the respondent's current offense and any prior criminal offense;

(i) Consider whether or not any of the following aggravating factors exist:

(i) In the commission of the offense, or in flight therefrom, the respondent inflicted or attempted to inflict serious bodily injury to another;

(ii) The offense was committed in an especially heinous, cruel, or depraved manner;

(iii) The victim or victims were particularly vulnerable;

(iv) The respondent has a recent criminal history or has failed to comply with conditions of a recent dispositional order or diversion agreement;

(v) The current offense included a finding of sexual motivation pursuant to section 601 of this 1990 act:

(vi) The respondent was the leader of a criminal enterprise involving several persons; and

~~((vi))~~ (vii) There are other complaints which have resulted in diversion or a finding or plea of guilty but which are not included as criminal history.

(4) The following factors may not be considered in determining the punishment to be imposed:

(a) The sex of the respondent;

(b) The race or color of the respondent or the respondent's family;

(c) The creed or religion of the respondent or the respondent's family;

(d) The economic or social class of the respondent or the respondent's family; and

(e) Factors indicating that the respondent may be or is a dependent child within the meaning of this chapter.

(5) A court may not commit a juvenile to a state institution solely because of the lack of facilities, including treatment facilities, existing in the community.

NEW SECTION. Sec. 606. (1) Sections 601 through 605 of this act, for purposes of sentencing adult or juvenile offenders, shall take effect July 1, 1990, and shall apply to crimes or offenses committed on or after July 1, 1990.

(2) For purposes of defining a "sexually violent offense" pursuant to section 1002(4) of this act, sections 601 through 605 of this act shall take effect July 1, 1990, and shall apply to crimes committed on, before, or after July 1, 1990.

PART VII
CRIMINAL SENTENCING

Sec. 701. Section 2, chapter 115, Laws of 1983 as last amended by section 1, chapter 124, Laws of 1989 and by section 101, chapter 271, Laws of 1989 and RCW 9.94A.310 are each reenacted and amended to read as follows:

(1) **TABLE 1**
Sentencing Grid

| SERIOUSNESS SCORE | OFFENDER SCORE | | | | | | | | | |
|------------------------------------|--|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|-----------------------|-----------------------|------------------------|
| | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 or more |
| ((XV)) XV | Life Sentence without Parole/Death Penalty | | | | | | | | | |
| ((XIV)) XIV | 23y4m 240- 320 | 24y4m 250- 333 | 25y4m 261- 347 | 26y4m 271- 361 | 27y4m 281- 374 | 28y4m 291- 388 | 30y4m 312- 416 | 32y10m 338- 450 | 36y 370- 493 | 40y 411- 548 |
| ((XIII)) XIII | 12y 123- 164 | 13y 134- 178 | 14y 144- 192 | 15y 154- 205 | 16y 165- 219 | 17y 175- 233 | 19y 195- 260 | 21y 216- 288 | 25y 257- 342 | 29y 298- 397 |
| ((XII)) XII | 6y 62- 82 | 6y9m 69- 92 | 7y6m 77- 102 | 8y3m 85- 113 | 9y 93- 123 | 9y9m 100- 133 | 12y6m 129- 171 | 13y6m 139- 185 | 15y6m 159- 212 | 17y6m 180- 240)) |
| XII | 9y 93- 123 | 9y11m 102- 136 | 10y9m 111- 147 | 11y8m 120- 160 | 12y6m 129- 171 | 13y5m 138- 184 | 15y9m 162- 216 | 17y3m 178- 236 | 20y3m 209- 277 | 23y3m 240- 318 |
| XI | 7y6m 78- 102 | 8y4m 86- 114 | 9y2m 95- 125 | 9y11m 102- 136 | 10y9m 111- 147 | 11y7m 120- 158 | 14y2m 146- 194 | 15y5m 159- 211 | 17y11m 185- 245 | 20y5m 210- 280 |

SERIOUSNESS
SCORE

OFFENDER SCORE

| | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 or more |
|------|-------------------|--------------------|-------------------|-------------------|-------------------|--------------------|--------------------|----------------------|----------------------|----------------------|
| X | 5y 51- 68 | 5y6m 57- 75 | 6y 62- 82 | 6y6m 67- 89 | 7y 72- 96 | 7y6m 77- 102 | 9y6m 98- 130 | 10y6m 108- 144 | 12y6m 129- 171 | 14y6m 149- 198 |
| IX | 3y 31- 41 | 3y6m 36- 48 | 4y 41- 54 | 4y6m 46- 61 | 5y 51- 68 | 5y6m 57- 75 | 7y6m 77- 102 | 8y6m 87- 116 | 10y6m 108- 144 | 12y6m 129- 171 |
| VIII | 2y 21- 27 | 2y6m 26- 34 | 3y 31- 41 | 3y6m 36- 48 | 4y 41- 54 | 4y6m 46- 61 | 6y6m 67- 89 | 7y6m 77- 102 | 8y6m 87- 116 | 10y6m 108- 144 |
| VII | 18m 15- 20 | 2y 21- 27 | 2y6m 26- 34 | 3y 31- 41 | 3y6m 36- 48 | 4y 41- 54 | 5y6m 57- 75 | 6y6m 67- 89 | 7y6m 77- 102 | 8y6m 87- 116 |
| VI | 13m 12+- 14 | 18m 15- 20 | 2y 21- 27 | 2y6m 26- 34 | 3y 31- 41 | 3y6m 36- 48 | 4y6m 46- 61 | 5y6m 57- 75 | 6y6m 67- 89 | 7y6m 77- 102 |
| V | 9m 6- 12 | 13m 12+- 14 | 15m 13- 17 | 18m 15- 20 | 2y2m 22- 29 | 3y2m 33- 43 | 4y 41- 54 | 5y 51- 68 | 6y 62- 82 | 7y 72- 96 |
| IV | 6m 3- 9 | 9m 6- 12 | 13m 12+- 14 | 15m 13- 17 | 18m 15- 20 | 2y2m 22- 29 | 3y2m 33- 43 | 4y2m 43- 57 | 5y2m 53- 70 | 6y2m 63- 84 |
| III | 2m 1- 3 | 5m 3- 8 | 8m 4- 12 | 11m 9- 12 | 14m 12+- 16 | 20m 17- 22 | 2y2m 22- 29 | 3y2m 33- 43 | 4y2m 43- 57 | 5y 51- 68 |
| II | | 4m 0-90 Days | 6m 3- 9 | 8m 4- 12 | 13m 12+- 14 | 16m 14- 18 | 20m 17- 22 | 2y2m 22- 29 | 3y2m 33- 43 | 4y2m 43- 57 |
| I | | 0-60 Days | 3m 2- 5 | 4m 2- 6 | 5m 3- 8 | 8m 4- 12 | 13m 12+- 14 | 16m 14- 18 | 20m 17- 22 | 2y2m 22- 29 |

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent.

(3) The following additional times shall be added to the presumptive sentence if the offender or an accomplice was armed with a deadly weapon as defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice was armed with a deadly weapon and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following times shall be added to the presumptive range determined under subsection (2) of this section:

(a) 24 months for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW 9A.56.200), or Kidnapping 1 (RCW 9A.40.020)

(b) 18 months for Burglary 1 (RCW 9A.52.020)

(c) 12 months for Assault 2 (RCW 9A.36.020 or 9A.36.021), Escape 1 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080), or any drug offense.

(4) The following additional times shall be added to the presumptive sentence if the offender or an accomplice committed the offense while in a county jail or state correctional

facility as that term is defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility as that term is defined in this chapter, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following times shall be added to the presumptive sentence range determined under subsection (2) of this section:

- (a) Eighteen months for offenses committed under RCW 69.50.401(a)(1)(i);
- (b) Fifteen months for offenses committed under RCW 69.50.401(a)(1)(ii), (iii), and (iv);
- (c) Twelve months for offenses committed under RCW 69.50.401(d).

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(5) An additional twenty-four months shall be added to the presumptive sentence for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

Sec. 702. Section 1, chapter 99, Laws of 1989, section 102, chapter 271, Laws of 1989, section 1, chapter 405, Laws of 1989, section 3, chapter 412, Laws of 1989, section 3, chapter 1, Laws of 1989 2nd ex. sess. and RCW 9.94A.320 are each reenacted and amended to read as follows:

TABLE 2
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

| | |
|-------------------|---|
| (XIV) | <u>XV</u> Aggravated Murder 1 (RCW 10.95.020) |
| (XIII) | <u>XIV</u> Murder 1 (RCW 9A.32.030) Homicide by abuse (RCW 9A.32.055) |
| (XII) | <u>XIII</u> Murder 2 (RCW 9A.32.050) |
| (XI) | <u>XII</u> Assault 1 (RCW 9A.36.011) |
| <u>XI</u> | <u>XI</u> Rape 1 (RCW 9A.44.040) <u>Rape of a Child 1 (RCW 9A.44.073)</u> |
| X | <u>XI</u> Kidnapping 1 (RCW 9A.40.020) ((Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073))) <u>Rape 2 (RCW 9A.44.050)</u> <u>Rape of a Child 2 (RCW 9A.44.076)</u> <u>Child Molestation 1 (RCW 9A.44.083)</u> Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1)) Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 (RCW 69.50.406) Leading Organized Crime (RCW 9A.82.060(1)(a)) |
| IX | Robbery 1 (RCW 9A.56.200) Manslaughter 1 (RCW 9A.32.060) Explosive devices prohibited (RCW 70.74.180) <u>Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))</u> Endangering life and property by explosives with threat to human being (RCW 70.74.270) Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406) Controlled Substance Homicide (RCW 69.50.415) Sexual Exploitation ((Under 16)) (RCW 9.68A.040 ((2)(a)))) Inciting Criminal Profiteering (RCW 9A.82.060(1)(b)) |
| VIII | Arson 1 (RCW 9A.48.020) ((Rape 2 (RCW 9A.44.050) Rape of a Child 2 (RCW 9A.44.076) Child Molestation 1 (RCW 9A.44.083))) Promoting Prostitution 1 (RCW 9A.88.070) Selling heroin for profit (RCW 69.50.410) Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i)) Manufacture, deliver, or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii)) Vehicular Homicide, by being under the influence of intoxicating liquor or any drug or by the operation of any vehicle in a reckless manner (RCW 46.61.520) |
| VII | Burglary 1 (RCW 9A.52.020) Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520) Introducing Contraband 1 (RCW 9A.76.140) |

- Indecent Liberties ~~((with))~~ without forcible compulsion) (RCW 9A.44.100(1)~~((a))~~ (b) and (c))
~~((Sexual Exploitation, Under 18 (RCW 9.68A.040(2)(b))))~~
 Child Molestation 2 (RCW 9A.44.086)
 Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
 Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
 Involving a minor in drug dealing (RCW 69.50.401(f))
- VI Bribery (RCW 9A.68.010)
 Manslaughter 2 (RCW 9A.32.070)
~~((Child Molestation 2 (RCW 9A.44.086)))~~
Rape of a Child 3 (RCW 9A.44.079)
 Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
 Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
 Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
~~((Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))))~~
 Incest 1 (RCW 9A.64.020(1))
 Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410)
 Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) (RCW 69.50.401(a)(1)(i))
 Intimidating a Judge (RCW 9A.72.160)
 Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
- V Criminal Mistreatment 1 (RCW 9A.42.020)
 Rape 3 (RCW 9A.44.060)
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Child Molestation 3 (RCW 9A.44.089)
 Kidnapping 2 (RCW 9A.40.030)
 Extortion 1 (RCW 9A.56.120)
 Incest 2 (RCW 9A.64.020(2))
 Perjury 1 (RCW 9A.72.020)
 Extortionate Extension of Credit (RCW 9A.82.020)
 Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
 Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
 Rendering Criminal Assistance 1 (RCW 9A.76.070)
 Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
 Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
- IV Residential Burglary (RCW 9A.52.025)
 Theft of Livestock 1 (RCW 9A.56.080)
 Robbery 2 (RCW 9A.56.210)
 Assault 2 (RCW 9A.36.021)
 Escape 1 (RCW 9A.76.110)
 Arson 2 (RCW 9A.48.030)
~~((Rape of a Child 3 (RCW 9A.44.079)))~~
 Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
 Malicious Harassment (RCW 9A.36.080)
 Threats to Bomb (RCW 9.61.160)
 Willful Failure to Return from Furlough (RCW 72.66.060)
 Hit and Run -- Injury Accident (RCW 46.52.020(4))
 Vehicular Assault (RCW 46.61.522)
 Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana or methamphetamines) (RCW 69.50.401(a)(1)(ii) through (iv))
 Influencing Outcome of Sporting Event (RCW 9A.82.070)
 Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
 Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III Criminal mistreatment 2 (RCW 9A.42.030)
~~((Sexual Misconduct with a Minor 1 (RCW 9A.44.093)~~
~~Child Molestation 3 (RCW 9A.44.089)))~~
 Extortion 2 (RCW 9A.56.130)
 Unlawful Imprisonment (RCW 9A.40.040)
 Assault 3 (RCW 9A.36.031)
 Custodial Assault (RCW 9A.36.100)
 Unlawful possession of firearm or pistol by felon (RCW 9.41.040)

- Harassment (RCW 9A.46.020)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- Burglary 2 (RCW 9A.52.030)
- Introducing Contraband 2 (RCW 9A.76.150)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Escape 2 (RCW 9A.76.120)
- Perjury 2 (RCW 9A.72.030)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
- Intimidating a Public Servant (RCW 9A.76.180)
- Tampering with a Witness (RCW 9A.72.120)
- Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
- Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
- Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
- Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
- Theft of livestock 2 (RCW 9A.56.080)
- Securities Act violation (RCW 21.20.400)
- II Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
- Possession of phencyclidine (PCP) (RCW 69.50.401(d))
- Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
- Computer Trespass 1 (RCW 9A.52.110)
- Reckless Endangerment 1 (RCW 9A.36.045)
- I Theft 2 (RCW 9A.56.040)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Forgery (RCW 9A.60.020)
- Taking Motor Vehicle Without Permission (RCW 9A.56.070)
- Vehicle Prowl 1 (RCW 9A.52.095)
- Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- Malicious Mischief 2 (RCW 9A.48.080)
- Reckless Burning 1 (RCW 9A.48.040)
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
- False Verification for Welfare (RCW 74.08.055)
- Forged Prescription (RCW 69.41.020)
- Forged Prescription for a Controlled Substance (RCW 69.50.403)
- Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine) (RCW 69.50.401(d))

Sec. 703. Section 6, chapter 115, Laws of 1983 and RCW 9.94A.350 are each amended to read as follows:

The offense seriousness level is determined by the offense of conviction. ~~((Felony offenses are divided into fourteen levels of seriousness, ranging from low (seriousness level I) to high (seriousness level XIV - see RCW 9.94A.320 (Table 2)):~~

Sec. 704. Section 11, chapter 115, Laws of 1983 as last amended by section 24, chapter 143, Laws of 1988 and by section 5, chapter 157, Laws of 1988 and RCW 9.94A.400 are each reenacted and amended to read as follows:

(1) (a) Except as provided in (b) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime. Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.120 and 9.94A.390(2)((~~ee~~))(f) or any other provision of RCW 9.94A.390. "Same criminal conduct," as used in this subsection, means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. This definition does not apply in cases involving vehicular assault or vehicular homicide if the victims occupied the same vehicle. However, the sentencing judge may consider multiple victims in such instances as an aggravating circumstance under RCW 9.94A.390.

(b) Whenever a person is convicted of ~~((three))~~ two or more serious violent offenses, as defined in RCW 9.94A.030, arising from separate and distinct criminal conduct, the sentence

range for the offense with the highest seriousness level under RCW 9.94A.320 shall be determined using the offender's prior convictions and other current convictions that are not serious violent offenses in the offender score and the sentence range for other serious violent offenses shall be determined by using an offender score of zero. The sentence range for any offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under (b) of this subsection shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection.

(2) Whenever a person while under sentence of felony commits another felony and is sentenced to another term of confinement, the latter term shall not begin until expiration of all prior terms.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence of a felony, the sentence shall run concurrently with any felony sentence which has been imposed by any court in this or another state or by a federal court subsequent to the commission of the crime being sentenced unless the court pronouncing the current sentence expressly orders that they be served consecutively.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) However, in the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community service, community supervision, or any other requirement or conditions of any of the sentences. Except for exceptional sentences as authorized under RCW 9.94A.120(2), if two or more sentences that run consecutively include periods of community supervision, the aggregate of the community supervision period shall not exceed twenty-four months.

Sec. 705. Section 4, chapter 252, Laws of 1989 and RCW 9.94A.120 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than ~~((three))~~ five years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum ~~((three-year))~~ five-year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (a) Devote time to a specific employment or occupation;
- (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;
- (c) Pursue a prescribed, secular course of study or vocational training;
- (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (e) Report as directed to the court and a community corrections officer; or
- (f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or other legal financial obligations. The court may impose a sentence which provides more than

one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7)(a) (i) When an offender is convicted of a sex offense other than a violation of (RCW 9A.44.040 or) RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony ((sexual)) sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(A) Frequency and type of contact between offender and therapist;

(B) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;

(D) Anticipated length of treatment; and

(E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall ((then determine)) consider whether the offender and the community will benefit from use of this special sexual offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that ((both the offender and the community will benefit from use of this provision)) this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range ((and:)). If this sentence is less than ((six)) eight years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the ((offender)) defendant on community supervision for ((up to two)) the length of the suspended sentence or three years, whichever is greater; and

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as ((a)) conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

((i)) (I) Devote time to a specific employment or occupation;

((ii)) (II) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;

((iii)) (III) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

((iv)) (IV) Report as directed to the court and a community corrections officer;

((v)) (V) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or

((vi)) (VI) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community supervision, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community supervision.

(v) The court may revoke the suspended sentence at any time during the period of community supervision and order execution of the sentence if: (A) The ((offender)) defendant violates ((these sentence)) the conditions ((the court may revoke the suspension and order execution of the sentence)) of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(vi) After July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to sections 801 through 809 of this 1990 act.

For purposes of this subsection, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(b) When an offender is convicted of any felony ((sexual)) sex offense committed before July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of social and health services for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment program at the location determined by the secretary of social and health services or the secretary's designee, only if the report indicates that the offender is amenable to the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.

If the offender does not comply with the conditions of the treatment program, the secretary of social and health services may refer the matter to the sentencing court. The sentencing court shall commit the offender to the department of corrections to serve the balance of the term of confinement.

If the offender successfully completes the treatment program before the expiration of the term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of community supervision, the court may order the offender to serve out the balance of the community supervision term in confinement in the custody of the department of corrections.

After June 30, 1993, this subsection (b) shall cease to have effect.

(c) When an offender commits any felony ((sexual)) sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including

crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

Nothing in (c) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced for a ~~((sexual))~~ sex offense committed prior to July 1, 1987. This subsection (c) does not apply to any crime committed after the effective date of this section.

(d) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(8) (a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense~~((;))~~ or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this ~~((section))~~ subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) ~~((When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense, a serious violent offense, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988;))~~ When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or serious violent offense committed on or after July 1, 1990, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, ~~((the sentence shall include, in addition to the other terms of the sentence, a one-year))~~ the terms of community placement ~~((on))~~ for offenders sentenced pursuant to this section shall include the following conditions:

- (i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;
- (ii) The offender shall work at department of corrections-approved education, employment, and/or community service;
- (iii) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;
- (iv) An offender in community custody shall not unlawfully possess controlled substances; and
- (v) The offender shall pay supervision fees as determined by the department of corrections.

(c) The court may also order any of the following special conditions:

- (i) The offender shall remain within, or outside of, a specified geographical boundary;

(ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(iii) The offender shall participate in crime-related treatment or counseling services;

(iv) The offender shall not consume alcohol;

(v) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or

(vi) The offender shall comply with any crime-related prohibitions.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(9) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(10) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

(11) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(12) All offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligation shall be under the supervision of the secretary of the department of corrections or such person as the secretary may designate and shall follow explicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

(13) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(14) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6).

(15) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(16) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

(17) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release or in a program of home detention.

(18) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

Sec. 706. Section 103, chapter 271, Laws of 1989 and RCW 9.94A.360 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) Except as provided in subsection (4) of this section, class A and sex prior felony convictions shall always be included in the offender score. Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without being convicted of any felonies. Class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without being convicted of any felonies. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without being convicted of any serious traffic or felony traffic offenses. This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law.

(4) Always include juvenile convictions for sex offenses. Include other class A juvenile felonies only if the offender was 15 or older at the time the juvenile offense was committed. Include other class B and C juvenile felony convictions only if the offender was 15 or older at the time the juvenile offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.

(5) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(6) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(a) Prior adult offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently whether those offenses shall be counted as one offense or as separate offenses, and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used;

(b) Juvenile prior convictions entered or sentenced on the same date shall count as one offense, the offense that yields the highest offender score, except for juvenile prior convictions for violent offenses with separate victims, which shall count as separate offenses; and

(c) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(7) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense.

(8) If the present conviction is for a nonviolent offense and not covered by subsection (12) or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(9) If the present conviction is for a violent offense and not covered in subsection (10), (11), (12), or (13) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Murder 1 or 2, Assault 1, Kidnaping 1, Homicide by Abuse, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(11) If the present conviction is for Burglary 1, count prior convictions as in subsection (9) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(12) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense or serious traffic offense, count one point for each adult and 1/2 point for each juvenile prior conviction.

(13) If the present conviction is for a drug offense count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult

and juvenile felonies are scored as in subsection (9) of this section if the current drug offense is violent, or as in subsection (8) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Willful Failure to Return from Furlough, RCW 72.66.060, or Willful Failure to Return from Work Release, RCW 72.65.070, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(16) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (8) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(17) If the present conviction is for a sex offense, count priors as in subsections (8) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(18) If the present conviction is for an offense committed while the offender was under community placement, add one point.

Sec. 707. Section 24, chapter 137, Laws of 1981 as last amended by section 1, chapter 259, Laws of 1989 and RCW 9.95.009 are each amended to read as follows:

(1) On July 1, 1986, the board of prison terms and paroles shall be redesignated as the indeterminate (~~sentencing~~) sentence review board. The board's membership shall be reduced as follows: On July 1, 1986, and on July 1st of each year until 1998, the number of board members shall be reduced in a manner commensurate with the board's remaining workload as determined by the office of financial management based upon its population forecast for the indeterminate sentencing system and in conjunction with the budget process. To meet the statutory obligations of the indeterminate sentence review board, the number of board members shall not be reduced to fewer than three members, although the office of financial management may designate some or all members as part-time members and specify the extent to which they shall be less than full-time members. Any reduction shall take place by the expiration, on that date, of the term or terms having the least time left to serve.

(2) After July 1, 1984, the board shall continue its functions with respect to persons convicted of crimes committed prior to July 1, 1984, and committed to the department of corrections. When making decisions on duration of confinement, including those relating to persons committed under a mandatory life sentence, and parole release under RCW 9.95.100 and 9.95.110, the board shall consider the purposes, standards, and sentencing ranges adopted pursuant to RCW 9.94A.040 and the minimum term recommendations of the sentencing judge and prosecuting attorney, and shall attempt to make decisions reasonably consistent with those ranges, standards, purposes, and recommendations: PROVIDED, That the board and its successors shall give adequate written reasons whenever a minimum term or parole release decision is made which is outside the sentencing ranges adopted pursuant to RCW 9.94A.040. In making such decisions, the board and its successors shall consider the different charging and disposition practices under the indeterminate sentencing system.

(3) Notwithstanding the provisions of subsection (2) of this section, the indeterminate sentence review board shall give public safety considerations the highest priority when making all discretionary decisions on the remaining indeterminate population regarding the ability for parole, parole release, and conditions of parole.

NEW SECTION. Sec. 708. A new section is added to chapter 72.09 RCW to read as follows:

In making all discretionary decisions regarding supervision of sexually violent offenders, the department of corrections shall set priorities and make decisions based on an assessment of public safety risks rather than the legal category of the sentences.

PART VIII

CERTIFICATION OF SEX OFFENDER TREATMENT PROVIDERS

NEW SECTION. Sec. 801. The legislature finds that sex offender therapists who examine and treat sex offenders pursuant to the special sexual offender sentencing alternative under RCW 9.94A.120(7)(a) and who may treat juvenile sex offenders pursuant to section 302 of this act, play a vital role in protecting the public from sex offenders who remain in the community following conviction. The legislature finds that the qualifications, practices, techniques, and effectiveness of sex offender treatment providers vary widely and that the court's ability to effectively determine the appropriateness of granting the sentencing alternative and monitoring the offender to ensure continued protection of the community is undermined by a lack of regulated practices. The legislature recognizes the right of sex offender therapists to practice, consistent with the paramount requirements of public safety. Public safety is best served by regulating sex offender therapists whose clients are being evaluated and being treated pursuant to RCW 9.94A.120(7)(a) and section 302 of this act. This chapter shall be construed to require only those sex offender therapists who examine and treat sex offenders pursuant to RCW 9.94A.120(7)(a) and section 302 of this act to obtain a sexual offender treatment certification as provided in this chapter.

NEW SECTION. Sec. 802. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Certified sex offender treatment provider" means a licensed, certified, or registered health professional who is certified to examine and treat sex offenders pursuant to RCW 9.94A.120(7)(a) and section 302 of this act.

(2) "Department" means the department of health.

(3) "Secretary" means the secretary of health.

(4) "Sex offender treatment provider" means a person who counsels or treats sex offenders accused of or convicted of a sex offense as defined by RCW 9.94A.030.

NEW SECTION. Sec. 803. (1) No person shall represent himself or herself as a certified sex offender treatment provider without first applying for and receiving a certificate pursuant to this chapter.

(2) Only a certified sex offender treatment provider may perform or provide the following services:

(a) Evaluations conducted for the purposes of and pursuant to RCW 9.94A.120(7)(a) and section 302 of this act;

(b) Treatment of convicted sex offenders who are sentenced and ordered into treatment pursuant to RCW 9.94A.120(7)(a) and adjudicated juvenile sex offenders who are ordered into treatment pursuant to section 302 of this act.

NEW SECTION. Sec. 804. In addition to any other authority provided by law, the secretary shall have the following authority:

(1) To set all fees required in this chapter in accordance with RCW 43.70.250;

(2) To establish forms necessary to administer this chapter;

(3) To issue a certificate to any applicant who has met the education, training, and examination requirements for certification and deny a certificate to applicants who do not meet the minimum qualifications for certification. Proceedings concerning the denial of certificates based on unprofessional conduct or impaired practice shall be governed by the uniform disciplinary act, chapter 18.130 RCW;

(4) To hire clerical, administrative, and investigative staff as needed to implement and administer this chapter and to hire individuals including those certified under this chapter to serve as examiners or consultants as necessary to implement and administer this chapter;

(5) To maintain the official department record of all applicants and certifications;

(6) To conduct a hearing on an appeal of a denial of a certificate on the applicant's failure to meet the minimum qualifications for certification. The hearing shall be conducted pursuant to chapter 34.05 RCW;

(7) To issue subpoenas, statements of charges, statements of intent to deny certificates, and orders and to delegate in writing to a designee the authority to issue subpoenas, statements of charges, and statements of intent to deny certificates;

(8) To determine the minimum education, work experience, and training requirements for certification, including but not limited to approval of educational programs;

(9) To prepare and administer or approve the preparation and administration of examinations for certification;

(10) To establish by rule the procedure for appeal of an examination failure;

(11) To adopt rules implementing a continuing competency program;

(12) To adopt rules in accordance with chapter 34.05 RCW as necessary to implement this chapter.

NEW SECTION. Sec. 805. (1) The sexual offender treatment providers advisory committee is established to advise the secretary concerning the administration of this chapter.

(2) The secretary shall appoint the members of the advisory committee who shall consist of the following persons:

(a) One superior court judge;

(b) Three sexual offender treatment providers;

(c) One mental health practitioner who specializes in treating victims of sexual assault;

(d) One defense attorney with experience in representing persons charged with sexual offenses;

(e) One representative from the Washington association of prosecuting attorneys;

(f) The secretary of the department of social and health services or his or her designee;

(g) The secretary of the department of corrections or his or her designee.

The secretary shall develop and implement the certification procedures with the advice of the committee by July 1, 1991. Following implementation of these procedures by the secretary, the committee shall be a permanent body. The members shall serve staggered six-year terms, to be set by the secretary. No person other than the members representing the departments of social and health services and corrections may serve more than two consecutive terms.

The secretary may remove any member of the advisory committee for cause as specified by rule. In a case of a vacancy, the secretary shall appoint a person to serve for the remainder of the unexpired term.

(3) Committee members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(4) The committee shall elect officers as deemed necessary to administer its duties. A simple majority of the committee members currently serving shall constitute a quorum of the committee.

(5) Members of the advisory committee shall be residents of this state. The members who are sex offender treatment providers must have a minimum of five years of extensive work experience in treating sex offenders to qualify for appointment to the initial committee, which shall develop and implement the certification program. After July 1, 1991, the sex offender treatment providers on the committee must be certified pursuant to this chapter.

(6) The committee shall meet at times as necessary to conduct committee business.

NEW SECTION, Sec. 806. The secretary, members of the committee, and individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any acts performed in the course of their duties.

NEW SECTION, Sec. 807. The department shall issue a certificate to any applicant who meets the following requirements:

(1) Successful completion of an educational program approved by the secretary or successful completion of alternate training which meets the criteria of the secretary;

(2) Successful completion of any experience requirement established by the secretary;

(3) Successful completion of an examination administered or approved by the secretary;

(4) Not having engaged in unprofessional conduct or being unable to practice with reasonable skill and safety as a result of a physical or mental impairment;

(5) Other requirements as may be established by the secretary that impact the competence of the sex offender treatment provider.

NEW SECTION, Sec. 808. The secretary shall establish by rule standards and procedures for approval of the following:

(1) Educational programs and alternate training;

(2) Examination procedures;

(3) Certifying applicants who have a comparable certification in another jurisdiction;

(4) Application method and forms;

(5) Requirements for renewals of certificates;

(6) Requirements of certified sex offender treatment providers who seek inactive status;

(7) Other rules as appropriate to carry out the purposes of this chapter.

NEW SECTION, Sec. 809. The uniform disciplinary act, chapter 18.130 RCW, governs unauthorized practice, the issuance and denial of certificates, and the discipline of certified sex offender treatment providers under this chapter.

Sec. 810. Section 7, chapter 243, Laws of 1988, section 22, chapter 267, Laws of 1988, and section 13, chapter 277, Laws of 1988 and RCW 18.130.040 are each reenacted and amended to read as follows:

(1) This chapter applies only to the ((director)) secretary and the boards having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2) (a) The ((director)) secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed under chapter 18.34 RCW;

(ii) Naturopaths licensed under chapter 18.36A RCW;

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;

(v) Massage operators and businesses licensed under chapter 18.108 RCW;

(vi) Dental hygienists licensed under chapter 18.29 RCW;

(vii) Acupuncturists certified under chapter 18.06 RCW;

(viii) Radiologic technologists certified under chapter 18.84 RCW;

(ix) Respiratory care practitioners certified under chapter 18.89 RCW;

(x) Persons registered or certified under chapter 18.19 RCW;

(xi) Persons registered as nursing pool operators;

(xii) Nursing assistants registered or certified under chapter 18.52B RCW; ((and))

(xiii) Dietitians and nutritionists certified under chapter 18.138 RCW; and

(xiv) Sex offender treatment providers certified under sections 801 through 809 of this 1990

act.

(b) The boards having authority under this chapter are as follows:

(i) The podiatry board as established in chapter 18.22 RCW;

(ii) The chiropractic disciplinary board as established in chapter 18.26 RCW governing licenses issued under chapter 18.25 RCW;

(iii) The dental disciplinary board as established in chapter 18.32 RCW;

(iv) The council on hearing aids as established in chapter 18.35 RCW;

(v) The board of funeral directors and embalmers as established in chapter 18.39 RCW;

(vi) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

- (vii) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;
- (viii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;
- (ix) The medical disciplinary board as established in chapter 18.72 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;
- (x) The board of physical therapy as established in chapter 18.74 RCW;
- (xi) The board of occupational therapy practice as established in chapter 18.59 RCW;
- (xii) The board of practical nursing as established in chapter 18.78 RCW;
- (xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;

- (xiv) The board of nursing as established in chapter 18.88 RCW; and
- (xv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. However, the board of chiropractic examiners has authority over issuance and denial of licenses provided for in chapter 18.25 RCW, the board of dental examiners has authority over issuance and denial of licenses provided for in RCW 18.32.040, and the board of medical examiners has authority over issuance and denial of licenses and registrations provided for in chapters 18.71 and 18.71A RCW. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

NEW SECTION. Sec. 811. Sections 801 through 809 of this act shall constitute a new chapter in Title 18 RCW.

PART IX
ENHANCED PENALTIES

Sec. 901. Section 5, chapter 14, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 146, Laws of 1988 and RCW 9A.44.050 are each amended to read as follows:

(1) A person is guilty of rape in the second degree when, under circumstances not constituting rape in the first degree, the person engages in sexual intercourse with another person:

(a) By forcible compulsion;

(b) When the victim is incapable of consent by reason of being physically helpless or mentally incapacitated; or

(c) When the victim is developmentally disabled and the perpetrator is a person who is not married to the victim and who has supervisory authority over the victim.

(2) Rape in the second degree is a class (B) A felony.

Sec. 902. Section 5, chapter 145, Laws of 1988 and RCW 9A.44.083 are each amended to read as follows:

(1) A person is guilty of child molestation in the first degree when the person has sexual contact with another who is less than twelve years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim.

(2) Child molestation in the first degree is a class (B) A felony.

Sec. 903. Section 3, chapter 145, Laws of 1988 and RCW 9A.44.076 are each amended to read as follows:

(1) A person is guilty of rape of a child in the second degree when the person has sexual intercourse with another who is at least twelve years old but less than fourteen years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim.

(2) Rape of a child in the second degree is a class (B) A felony.

Sec. 904. Section 9A.88.010, chapter 260, Laws of 1975 1st ex. sess. as amended by section 1, chapter 277, Laws of 1987 and RCW 9A.88.010 are each amended to read as follows:

(1) A person is guilty of indecent exposure if he intentionally makes any open and obscene exposure of his person or the person of another knowing that such conduct is likely to cause reasonable affront or alarm.

(2) Indecent exposure is a misdemeanor unless such person exposes himself to a person under the age of fourteen years in which case indecent exposure is a gross misdemeanor on the first offense and, if such person has previously been convicted under this subsection or of a sex offense as defined in RCW 9.94A.030, then such person is guilty of a class C felony punishable under chapter 9A.20 RCW.

PART X
CIVIL COMMITMENT

NEW SECTION. Sec. 1001. The legislature finds that a small but extremely dangerous group of sexually violent predators exist who do not have a mental disease or defect that renders them appropriate for the existing involuntary treatment act, chapter 71.05 RCW, which is intended to be a short-term civil commitment system that is primarily designed to provide short-term treatment to individuals with serious mental disorders and then return them to the community. In contrast to persons appropriate for civil commitment under chapter 71.05 RCW,

sexually violent predators generally have antisocial personality features which are unamenable to existing mental illness treatment modalities and those features render them likely to engage in sexually violent behavior. The legislature further finds that sex offenders' likelihood of engaging in repeat acts of predatory sexual violence is high. The existing involuntary commitment act, chapter 71.05 RCW, is inadequate to address the risk to reoffend because during confinement these offenders do not have access to potential victims and therefore they will not engage in an overt act during confinement as required by the involuntary treatment act for continued confinement. The legislature further finds that the prognosis for curing sexually violent offenders is poor, the treatment needs of this population are very long term, and the treatment modalities for this population are very different than the traditional treatment modalities for people appropriate for commitment under the involuntary treatment act.

NEW SECTION. Sec. 1002. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence.

(2) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.

(3) "Predatory" means acts directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization.

(4) "Sexually violent offense" means: (a) An act defined in Title 9A RCW as rape in the first degree, rape in the second degree by forcible compulsion, rape of a child in the first or second degree, statutory rape in the first or second degree, indecent liberties by forcible compulsion, indecent liberties against a child under age fourteen, incest against a child under age fourteen, or child molestation in the first or second degree; (b) any conviction for a felony offense in effect at any time prior to the effective date of this section, that is comparable to a sexually violent offense as defined in subsection (4)(a) of this section, or any federal or out-of-state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this subsection; or (c) any act of murder in the first or second degree, assault in the first or second degree, kidnapping in the first or second degree, burglary in the first degree, residential burglary, or unlawful imprisonment, which act, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to this section, has been determined beyond a reasonable doubt to have been sexually motivated, as that term is defined in section 602 of this act; or, as described in chapter 9A.28 RCW, is an attempt, criminal solicitation, or criminal conspiracy to commit one of the felonies designated in (a), (b), or (c) of this subsection.

NEW SECTION. Sec. 1003. When it appears that: (1) The sentence of a person who has been convicted of a sexually violent offense is about to or has expired at any time in the past; (2) the term of confinement of a person found to have committed a sexually violent offense as a juvenile is about to or has expired; (3) a person who has been charged with a sexually violent offense and has been determined to be incompetent to stand trial is about to be or has been released pursuant to RCW 10.77.090(3); or (4) a person who has been found not guilty by reason of insanity of a sexually violent offense is about to be released pursuant to RCW 10.77.020(3); and it appears that the person may be a sexually violent predator, the prosecuting attorney of the county where the person was convicted or charged or the attorney general if requested by the prosecuting attorney may file a petition alleging that the person is a "sexually violent predator" and stating sufficient facts to support such allegation.

NEW SECTION. Sec. 1004. Upon the filing of a petition under section 1003 of this act, the judge shall determine whether probable cause exists to believe that the person named in the petition is a sexually violent predator. If such determination is made the judge shall direct that the person be taken into custody and the person shall be transferred to an appropriate facility for an evaluation as to whether the person is a sexually violent predator. The evaluation shall be conducted by a person deemed to be professionally qualified to conduct such an examination pursuant to rules developed by the department of social and health services. In adopting such rules, the department of social and health services shall consult with the department of health and the department of corrections.

NEW SECTION. Sec. 1005. Within forty-five days after the filing of a petition pursuant to section 1003 of this act, the court shall conduct a trial to determine whether the person is a sexually violent predator. At all stages of the proceedings under this chapter, any person subject to this chapter shall be entitled to the assistance of counsel, and if the person is indigent, the court shall appoint counsel to assist him or her. Whenever any person is subjected to an examination under this chapter, he or she may retain experts or professional persons to perform an examination on their behalf. When the person wishes to be examined by a qualified expert or professional person of his or her own choice, such examiner shall be permitted to have reasonable access to the person for the purpose of such examination, as well as to all relevant medical and psychological records and reports. In the case of a person who is indigent, the court shall, upon the person's request, assist the person in obtaining an expert or professional

person to perform an examination or participate in the trial on the person's behalf. The person, the prosecuting attorney or attorney general, or the judge shall have the right to demand that the trial be before a jury. If no demand is made, the trial shall be before the court.

NEW SECTION, Sec. 1006. (1) The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. If the state alleges that the prior sexually violent offense that forms the basis for the petition for commitment was an act that was sexually motivated as provided in section 1002(3)(c) of this act, the state must prove beyond a reasonable doubt that the alleged sexually violent act was sexually motivated as defined in section 602 of this act. If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the department of social and health services in a secure facility for control, care, and treatment until such time as the person's mental abnormality or personality disorder has so changed that the person is safe to be at large. Such control, care, and treatment shall be provided at a facility operated by the department of social and health services. If the court or jury is not satisfied beyond a reasonable doubt that the person is a sexually violent predator, the court shall direct the person's release.

(2) If the person charged with a sexually violent offense has been found incompetent to stand trial, and is about to or has been released pursuant to RCW 10.77.090(3), and his or her commitment is sought pursuant to subsection (1) of this section, the court shall first hear evidence and determine whether the person did commit the act or acts charged if the court did not enter a finding prior to dismissal under RCW 10.77.090(3) that the person committed the act or acts charged. The hearing on this issue must comply with all the procedures specified in this section. In addition, the rules of evidence applicable in criminal cases shall apply, and all constitutional rights available to defendants at criminal trials, other than the right not to be tried while incompetent, shall apply. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act or acts charged, the extent to which the person's incompetence or developmental disability affected the outcome of the hearing, including its effect on the person's ability to consult with and assist counsel and to testify on his or her own behalf, the extent to which the evidence could be reconstructed without the assistance of the person, and the strength of the prosecution's case. If, after the conclusion of the hearing on this issue, the court finds, beyond a reasonable doubt, that the person did commit the act or acts charged, it shall enter a final order, appealable by the person, on that issue, and may proceed to consider whether the person should be committed pursuant to this section.

(3) The state shall comply with RCW 10.77.220 while confining the person pursuant to this chapter. The facility shall not be located on the grounds of any state mental facility or regional habilitation center because these institutions are insufficiently secure for this population.

NEW SECTION, Sec. 1007. Each person committed under this chapter shall have a current examination of his or her mental condition made at least once every year. The person may retain, or if he or she is indigent and so requests, the court may appoint a qualified expert or a professional person to examine him or her, and such expert or professional person shall have access to all records concerning the person. The periodic report shall be provided to the court that committed the person under this chapter.

NEW SECTION, Sec. 1008. The involuntary detention or commitment of persons under this chapter shall conform to constitutional requirements for care and treatment.

NEW SECTION, Sec. 1009. (1) If the secretary of the department of social and health services determines that the person's mental abnormality or personality disorder has so changed that the person is not likely to commit predatory acts of sexual violence if released, the secretary shall authorize the person to petition the court for release. The petition shall be served upon the court and the prosecuting attorney. The court, upon receipt of the petition for release, shall within forty-five days order a hearing. The prosecuting attorney or the attorney general, if requested by the county, shall represent the state, and shall have the right to have the petitioner examined by an expert or professional person of his or her choice. The hearing shall be before a jury if demanded by either the petitioner or the prosecuting attorney or attorney general. The burden of proof shall be upon the prosecuting attorney or attorney general to show beyond a reasonable doubt that the petitioner's mental abnormality or personality disorder remains such that the petitioner is not safe to be at large and that if discharged is likely to commit predatory acts of sexual violence.

(2) Nothing contained in this chapter shall prohibit the person from otherwise petitioning the court for discharge without the secretary's approval. The secretary shall provide the committed person with an annual written notice of the person's right to petition the court for release over the secretary's objection. The notice shall contain a waiver of rights. The secretary shall forward the notice and waiver form to the court with the annual report. If the person does not affirmatively waive the right to petition, the court shall set a show cause hearing to determine whether facts exist that warrant a hearing on whether the person's condition has so changed that he or she is safe to be at large. The committed person shall have a right to have an attorney represent him or her at the show cause hearing but the person is not entitled to be present at the show cause hearing. If the court at the show cause hearing determines that probable cause exists to believe that the person's mental abnormality or personality disorder has so changed that the person is safe to be at large and will not engage in acts of sexual violence if

discharged, then the court shall set a hearing on the issue. At the hearing, the committed person shall be entitled to be present and to the benefit of all constitutional protections that were afforded to the person at the initial commitment proceeding. The prosecuting attorney or the attorney general if requested by the county shall represent the state and shall have a right to a jury trial and to have the committed person evaluated by experts chosen by the state. The committed person shall also have the right to have experts evaluate him or her on his or her behalf and the court shall appoint an expert if the person is indigent and requests an appointment. The burden of proof at the hearing shall be upon the state to prove beyond a reasonable doubt that the committed person's mental abnormality or personality disorder remains such that the person is not safe to be at large and if released will engage in acts of sexual violence.

NEW SECTION. Sec. 1010. Nothing in this chapter shall prohibit a person from filing a petition for discharge pursuant to this chapter. However, if a person has previously filed a petition for discharge without the secretary's approval and the court determined, either upon review of the petition or following a hearing, that the petitioner's petition was frivolous or that the petitioner's condition had not so changed that he or she was safe to be at large, then the court shall deny the subsequent petition unless the petition contains facts upon which a court could find that the condition of the petitioner had so changed that a hearing was warranted. Upon receipt of a first or subsequent petition from committed persons without the secretary's approval, the court shall endeavor whenever possible to review the petition and determine if the petition is based upon frivolous grounds and if so shall deny the petition without a hearing.

NEW SECTION. Sec. 1011. The department of social and health services shall be responsible for all costs relating to the evaluation and treatment of persons committed to their custody under any provision of this chapter. Reimbursement may be obtained by the department for the cost of care and treatment of persons committed to its custody pursuant to RCW 43.20B.330 through 43.20B.370.

NEW SECTION. Sec. 1012. In addition to any other information required to be released under this chapter, the department is authorized, pursuant to section 117 of this act, to release relevant information that is necessary to protect the public, concerning a specific sexually violent predator committed under this chapter.

NEW SECTION. Sec. 1013. Sections 1001 through 1012 of this act shall constitute a new chapter in Title 71 RCW.

PART XI BACKGROUND CHECKS

Sec. 1101. Section 1, chapter 486, Laws of 1987 as amended by section 1, chapter 90, Laws of 1989 and by section 1, chapter 334, Laws of 1989 and RCW 43.43.830 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.43.830 through 43.43.840.

(1) "Applicant" means ~~((either))~~:

(a) Any prospective employee who will or may have unsupervised access to children under sixteen years of age or developmentally disabled persons or vulnerable adults during the course of his or her employment or involvement with the business or organization ~~((--However, for school districts and educational service districts, prospective employee includes only noncertificated personnel))~~; or

(b) Any prospective volunteer who will have regularly scheduled unsupervised access to children under sixteen years of age, developmentally disabled persons, or vulnerable adults during the course of his or her employment or involvement with the business or organization under circumstances where such access will or may involve groups of (i) five or fewer children under twelve years of age, (ii) three or fewer children between twelve and sixteen years of age, (iii) developmentally disabled persons, or (iv) vulnerable adults.

(2) "Business or organization" means a business or organization licensed in this state, any agency of the state, or other governmental entity, that educates, trains, treats, supervises, or provides recreation to developmentally disabled persons, vulnerable adults, or children under sixteen years of age, including school districts and educational service districts.

(3) "Civil adjudication" means a specific court finding of sexual abuse or exploitation or physical abuse in a dependency action under RCW ~~((19.34.030(2)(b)))~~ 13.34.040 or in a domestic relations action under Title 26 RCW. In the case of vulnerable adults, civil adjudication means a specific court finding of abuse or financial exploitation in a protection proceeding under chapter 74.34 RCW. It does not include administrative proceedings. The term "civil adjudication" is further limited to court findings that identify as the perpetrator of the abuse a named individual, over the age of eighteen years, who was a party to the dependency or dissolution proceeding or was a respondent in a protection proceeding in which the finding was made and who contested the allegation of abuse or exploitation.

(4) "Conviction record" means "conviction record" information as defined in RCW 10.97.030(3) relating to a crime against children or other persons committed by either an adult or a juvenile. It does not include a conviction for an offense that has been the subject of an expungement, pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, or a conviction that has been

the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. It does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(5) ("Disciplinary board final decision" means any final decision issued by the disciplinary board or the director of the department of licensing for the following business or professions:

- (a) Chiropractic;
- (b) Dentistry;
- (c) Dental hygiene;
- (d) Drugless healing;
- (e) Massage;
- (f) Midwifery;
- (g) Osteopathy;
- (h) Physical therapy;
- (i) Physicians;
- (j) Practical nursing;
- (k) Registered nursing;
- (l) Psychology; and
- (m) Real estate brokers and salesmen.

(6)) "Crime against children or other persons" means a conviction of any of the following offenses: Aggravated murder; first or second degree murder; first or second degree kidnaping; first, second, or third degree assault; first, second, or third degree rape; first, second, or third degree rape of a child; first or second degree robbery; first degree arson; first degree burglary; first or second degree manslaughter; first or second degree extortion; indecent liberties; incest; vehicular homicide; first degree promoting prostitution; communication with a minor; unlawful imprisonment; simple assault; sexual exploitation of minors; first or second degree criminal mistreatment; child abuse or neglect as defined in RCW 26.44.020; first or second degree custodial interference; malicious harassment; first, second, or third degree child molestation; first or second degree sexual misconduct with a minor; first or second degree rape of a child; patronizing a juvenile prostitute; child abandonment; promoting pornography; selling or distributing erotic material to a minor; custodial assault; violation of child abuse restraining order; child buying or selling; prostitution; felony indecent exposure; or any of these crimes as they may be renamed in the future.

((7)) (6) "Crimes relating to financial exploitation" means a conviction for first, second, or third degree extortion; first, second, or third degree theft; first or second degree robbery; forgery; or any of these crimes as they may be renamed in the future.

(7) "Disciplinary board final decision" means any final decision issued by the disciplinary board or the director of the department of licensing for the following businesses or professions:

- (a) Chiropractic;
- (b) Dentistry;
- (c) Dental hygiene;
- (d) Massage;
- (e) Midwifery;
- (f) Naturopathy;
- (g) Osteopathy;
- (h) Physical therapy;
- (i) Physicians;
- (j) Practical nursing;
- (k) Registered nursing;
- (l) Psychology; and
- (m) Real estate brokers and salesmen.

(8) "Unsupervised" means not in the presence of:

(a) Another employee or volunteer from the same business or organization as the applicant; or

(b) Any relative or guardian of any of the children or developmentally disabled persons to which the applicant has access during the course of his or her employment or involvement with the business or organization.

(9) "Vulnerable adult" means a person sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself or a patient in a state hospital as defined in chapter 72.23 RCW.

(10) "Financial exploitation" means the illegal or improper use of a vulnerable adult or that adult's resources for another person's profit or advantage.

(11) "Agency" means any person, firm, partnership, association, corporation, or facility which receives, provides services to, houses or otherwise cares for vulnerable adults.

Sec. 1102. Section 2, chapter 486, Laws of 1987 as amended by section 2, chapter 90, Laws of 1989 and by section 2, chapter 334, Laws of 1989 and RCW 43.43.832 are each reenacted and amended to read as follows:

(1) The legislature finds that businesses and organizations providing services to children, developmentally disabled persons, and vulnerable adults need adequate information to

determine which employees or licensees to hire or engage. Therefore, the Washington state patrol criminal identification system may disclose, upon the request of a business or organization as defined in RCW 43.43.830, ~~((a prospective employee))~~ an applicant's record for convictions of offenses against children or other persons, convictions for crimes relating to financial exploitation, but only if the victim was a vulnerable adult, adjudications of child abuse in a civil action, the issuance of a protection order against the respondent under chapter 74.34 RCW, and disciplinary board final decisions and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision. When necessary, applicants may be employed on a conditional basis pending completion of such a background investigation.

(2) The legislature also finds that the state board of education may request of the Washington state patrol criminal identification system information regarding a certificate applicant's record for convictions under subsection (1) of this section.

(3) The legislature also finds that law enforcement agencies, the office of the attorney general, prosecuting authorities, and the department of social and health services may request this same information to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse.

(4) The legislature further finds that the department of social and health services, when considering persons for state positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults or when licensing or authorizing such persons or agencies pursuant to its authority under chapter 74.15, 18.51, 18.20, or 72.23 RCW, or any later-enacted statute which purpose is to license or regulate a facility which handles vulnerable adults, must consider the information listed in subsection (1) of this section. However, when necessary, persons may be employed on a conditional basis pending completion of the background investigation. The state personnel board shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.

Sec. 1103. Section 3, chapter 486, Laws of 1987 as amended by section 3, chapter 90, Laws of 1989 and by section 3, chapter 334, Laws of 1989 and RCW 43.43.834 are each reenacted and amended to read as follows:

(1) A business or organization shall not make an inquiry to the Washington state patrol under RCW 43.43.832 or an equivalent inquiry to a federal law enforcement agency unless the business or organization has notified the applicant who has been offered a position as an employee or volunteer, that an inquiry may be made.

(2) A business or organization shall require each applicant to disclose to the business or organization whether the applicant has been:

(a) Convicted of any crime against children or other persons;

(b) Convicted of crimes relating to financial exploitation if the victim was a vulnerable adult;

(c) Found in any dependency action under RCW ~~((13.34.030(2)(b)))~~ 13.34.040 to have sexually assaulted or exploited any minor or to have physically abused any minor;

(d) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor;

(e) Found in any disciplinary board final decision to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult; or

(f) Found by a court in a protection proceeding under chapter 74.34 RCW, to have abused or financially exploited a vulnerable adult.

The disclosure shall be made in writing and signed by the applicant and sworn under penalty of perjury. The disclosure sheet shall specify all crimes against children or other persons and all crimes relating to financial exploitation as defined in RCW 43.43.830 in which the victim was a vulnerable adult.

(3) The business or organization shall pay such reasonable fee for the records check as the state patrol may require under RCW 43.43.838.

(4) The business or organization shall notify the applicant of the state patrol's response within ten days after receipt by the business or organization. The employer shall provide a copy of the response to the applicant and shall notify the applicant of such availability.

(5) The business or organization shall use this record only in making the initial employment or engagement decision. Further dissemination or use of the record is prohibited. A business or organization violating this subsection is subject to a civil action for damages.

(6) An insurance company shall not require a business or organization to request background information on any employee before issuing a policy of insurance.

(7) The business and organization shall be immune from civil liability for failure to request background information ~~((a prospective employee or volunteer))~~ an applicant unless the failure to do so constitutes gross negligence.

Sec. 1104. Section 5, chapter 486, Laws of 1987 as amended by section 4, chapter 90, Laws of 1989 and by section 4, chapter 334, Laws of 1989 and RCW 43.43.838 are each reenacted and amended to read as follows:

(1) After January 1, 1988, and notwithstanding any provision of RCW 43.43.700 through 43.43.810 to the contrary, the state patrol shall furnish a transcript of the conviction record, disciplinary board final decision and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision, or civil adjudication record pertaining to any person for whom the state patrol or the federal bureau of investigation has a record upon the written request of:

(a) The subject of the inquiry;

(b) Any business or organization for the purpose of conducting evaluations under RCW 43.43.832;

(c) The department of social and health services;

(d) Any law enforcement agency, prosecuting authority, or the office of the attorney general; or

(e) The department of social and health services for the purpose of meeting responsibilities set forth in chapter 74.15, 18.51, 18.20, or 72.23 RCW, or any later-enacted statute which purpose is to regulate or license a facility which handles vulnerable adults. However, access to conviction records pursuant to this subsection (1)(e) does not limit or restrict the ability of the department to obtain additional information regarding conviction records and pending charges as set forth in RCW 74.15.030(2)(b).

After processing the request, if the conviction record, disciplinary board final decision and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision, or adjudication record shows no evidence of a crime against children or other persons or, in the case of vulnerable adults, no evidence of crimes relating to financial exploitation in which the victim was a vulnerable adult, an identification declaring the showing of no evidence shall be issued to the applicant by the state patrol and shall be issued within fourteen working days of the request. Possession of such identification shall satisfy future background check requirements for the applicant for a two-year period unless the prospective employee is any current school district employee who has applied for a position in another school district.

(2) The state patrol shall by rule establish fees for disseminating records under this section to recipients identified in subsection (1)(a) and (b) of this section. The state patrol shall also by rule establish fees for disseminating records in the custody of the national crime information center. The revenue from the fees shall cover, as nearly as practicable, the direct and indirect costs to the state patrol of disseminating the records: PROVIDED, That no fee shall be charged to a nonprofit organization, including school districts and educational service districts, for the records check.

(3) No employee of the state, employee of a business or organization, or the business or organization is liable for defamation, invasion of privacy, negligence, or any other claim in connection with any lawful dissemination of information under RCW 43.43.830 through 43.43.840 or RCW 43.43.760.

(4) Before July 26, 1987, the state patrol shall adopt rules and forms to implement this section and to provide for security and privacy of information disseminated under this section, giving first priority to the criminal justice requirements of this chapter. The rules may include requirements for users, audits of users, and other procedures to prevent use of civil adjudication record information or criminal history record information inconsistent with this chapter.

(5) Nothing in RCW 43.43.830 through 43.43.840 shall authorize an employer to make an inquiry not specifically authorized by this chapter, or be construed to affect the policy of the state declared in chapter 9.96A RCW.

PART XII
COMMUNITY ACTION

NEW SECTION. Sec. 1201. The legislature recognizes the need to increase the services available to the victims of sex offenders. The legislature also recognizes that these services are most effectively planned and provided at the local level through the combined efforts of concerned community and citizens groups, treatment providers, and local government officials. The legislature further recognizes that adequate treatment for victims is not only a matter of justice for the victim, but also a method by which additional abuse can be prevented.

The legislature intends to enhance the community-based treatment services available to the victims of sex offenders by:

(1) Providing funding support for local treatment programs which provide services to victims of sex offenders;

(2) Providing technical assistance and support to help communities plan for and provide treatment services; and

(3) Providing communities and local treatment providers with opportunities to share information about successful prevention and treatment programs.

NEW SECTION. Sec. 1202. (1) There is established in the office of the governor a crime victims' advocacy office to provide advocacy services to crime victims. The governor shall appoint an executive administrator for the advocacy office. The position of administrator is exempt from the civil service laws. The salary of the administrator shall be set by the governor in accordance with RCW 43.03.030.

(2) The crime victims' advocacy office located in the office of the governor shall solicit communities for suggestions on state practices, policies, and priorities that would help communities treat victims of sex offenders. The office shall make recommendations to the governor and to the legislature based upon its findings.

(3) The crime victims' advocacy office shall expire on July 1, 1991.

NEW SECTION, Sec. 1203. There is established in the department of community development a grant program to enhance the funding for treating the victims of sex offenders. Activities that can be funded through this grant program are limited to those that:

(1) Provide effective treatment to victims of sex offenders;

(2) Increase access to and availability of treatment for victims of sex offenders, particularly if from underserved populations; and

(3) Create or build on efforts by existing community programs, coordinate those efforts, or develop cooperative efforts or other initiatives to make the most effective use of resources to provide treatment services to these victims.

Funding priority shall be given to those applicants that represent well-established existing programs and applicants that represent new programs that are being created in geographic areas where no programs presently exist.

NEW SECTION, Sec. 1204. Applications for funding under this chapter must:

(1) Present evidence demonstrating how the criteria in section 1201 of this act will be met and demonstrating the effectiveness of the proposal.

(2) Contain evidence of active participation of the community and its commitment to providing an effective treatment service for victims of sex offenders through the participation of local governments, tribal governments, human service and health organizations, and treatment entities and through meaningful involvement from others, including citizen groups.

NEW SECTION, Sec. 1205. Local governments, nonprofit community groups, and nonprofit treatment providers including organizations which provide services, such as emergency housing, counseling, and crisis intervention shall, among others, be eligible for grants under the program established in section 1203 of this act.

NEW SECTION, Sec. 1206. At a minimum, grant applications must include the following:

(1) The geographic area from which the victims to be served are expected to come;

(2) A description of the extent and effect of the needs of these victims within the relevant geographic area;

(3) An explanation of how the funds will be used, their relationship to existing services available within the community, and the need that they will fulfill;

(4) An explanation of what organizations were involved in the development of the proposal; and

(5) An evaluation methodology.

NEW SECTION, Sec. 1207. (1) Subject to funds appropriated by the legislature, the department of community development shall make awards under the grant program established by section 1203 of this act.

(2) Awards shall be made competitively based on the purposes of and criteria in this chapter.

(3) To aid the department of community development in making its determination, the department shall form a peer review committee comprised of the executive administrator for the crime victims' advocacy office and individuals who have experience in the treatment of victims of predatory violent sex offenders. The peer review committee shall advise the department on the extent to which each eligible applicant meets the purposes and criteria of this chapter. The department shall consider this advice in making awards.

(4) Activities funded under this section may be considered for funding in future years, but shall be considered under the same terms and criteria as new activities. Funding under this chapter shall not constitute an obligation by the state of Washington to provide ongoing funding.

NEW SECTION, Sec. 1208. The department of community development may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of this chapter and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

NEW SECTION, Sec. 1209. The department of community development shall report to the legislature by January 1, 1991, regarding the operations of the grant program authorized in section 1203 of this act. The report shall include at least the following:

(1) The number of grants awarded and the amount of each grant;

(2) Identification of the recipients of grants, including the communities in which they are based;

(3) The purposes for which the grants were awarded;

(4) The success of the projects in achieving their stated goals and objectives;

(5) An assessment of the effect that the activities of this act had on encouraging and supporting coordinated treatment services;

(6) Recommendations for further funding by the state; and

(7) Recommendations regarding future operations of the program, including criteria for awarding grants.

NEW SECTION. Sec. 1210. (1) Section 1202 of this act is added to chapter 43.06 RCW.

(2) Sections 1201 and 1203 through 1208 of this act shall constitute a new chapter in Title 43 RCW.

PART XIII

TREATMENT FOR ABUSIVE PERSON REMOVED FROM HOME

NEW SECTION. Sec. 1301. A new section is added to chapter 26.44 RCW to read as follows:

The court shall require that an individual who, while acting in a parental role, has physically or sexually abused a child and has been removed from the home pursuant to a court order issued in a proceeding under chapter 13.34 RCW, prior to being permitted to reside in the home where the child resides, complete the treatment and education requirements necessary to protect the child from future abuse. The court may require the individual to continue treatment as a condition for remaining in the home where the child resides.

The department of social and health services or supervising agency shall be responsible for advising the court as to appropriate treatment and education requirements, providing referrals to the individual, monitoring and assessing the individual's progress, informing the court of such progress, and providing recommendations to the court.

The person removed from the home shall pay for these services according to a schedule established by the department of social and health services. This schedule shall be based on the individual's ability to pay.

PART XIV

MISCELLANEOUS

NEW SECTION. Sec. 1401. Since child maltreatment cases often involve criminal offenses such as physical abuse, sexual abuse, and sexual exploitation by a family member, many such cases should be investigated by law enforcement agencies as well as child protective services agencies, and criminally prosecuted. A pilot project located in two counties shall be established for the joint investigation of child abuse and sexual assault cases by a law enforcement officer trained in gathering physical evidence and other investigative procedures, and a child protective services case worker skilled in interpreting psychological evidence and interviewing child victims in a sensitive manner.

The pilot project shall be conducted in the counties of King and Spokane from July 1, 1990, through June 30, 1991. The department of social and health services and participating law enforcement agencies shall report findings and recommendations to the senate committee on law and justice and the house of representatives judiciary committee by December 1, 1991.

The pilot project shall include the following elements:

(1) Joint training for law enforcement and child protective services staff in the investigation and assessment of reports of child maltreatment. The training programs shall be conducted jointly by the involved agencies.

(2) A law enforcement officer shall be teamed with a child protective services worker for the investigation of specified incidents.

(3) When the law enforcement agency receives a report of suspected physical abuse, neglect, sexual abuse, or other sexual exploitation of a child by the child's parent, guardian, custodian, or person otherwise responsible for the child's welfare the agency shall notify the child protective services agency immediately.

(4) When the child protective services agency receives a report of suspected physical assault, sexual offense, or sexual exploitation committed upon a child by anyone, whether or not the person is the child's parent, guardian, custodian, or otherwise responsible for the child's welfare, the agency shall notify the law enforcement agency immediately.

(5) The law enforcement agency and the child protective services agency shall jointly develop a procedure to determine when investigations of suspicious child deaths, physical abuse, neglect affecting the child's health, sexual abuse, and sexual exploitation of a child committed by the child's parent, guardian, custodian, or person otherwise responsible for the child's welfare shall be jointly investigated by the investigating teams authorized by this section.

NEW SECTION. Sec. 1402. (1) The department of social and health services through its division of children and family services shall provide, subject to available funds, comprehensive sexual assault services to sexually abused children. The department shall provide treatment by licensed professionals on a one-to-one or group basis as may be deemed appropriate.

(2) Funds appropriated under this section shall be provided solely for contracts or direct purchase of specific treatment services from community organizations and private service providers for child victims of sexual assault and sexual abuse. Funds shall be disbursed through the request for proposal or request for qualifications process.

(3) As part of the request for proposal or request for qualifications process the department of social and health services shall ensure that there be no duplication of services with existing programs including the crime victims' compensation program as provided in chapter 7.68 RCW. The department shall also ensure that victims exhaust private insurance benefits available to the child victim before providing services to the child victim under this section.

NEW SECTION, Sec. 1403. The department of social and health services through its division of children and family services shall, subject to available funds, establish a system of early identification and referral to treatment of child victims of sexual assault or sexual abuse. The system shall include schools, physicians, sexual assault centers, domestic violence centers, child protective services, and foster parents. A mechanism shall be developed to identify communities that have experienced success in this area and share their expertise and methodology with other communities state-wide.

NEW SECTION, Sec. 1404. The index and part headings used in this act do not constitute any part of the law.

NEW SECTION, Sec. 1405. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 1406. (1) Sections 101 through 131, 401 through 409, 501 through 504, 606, 707 and 708, 801 through 810, 1101 through 1104, 1201 through 1210, and 1401 through 1403 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

(2) Sections 201 through 203, 301 through 305, 701 through 706, and 901 through 904 shall take effect July 1, 1990, and shall apply to crimes committed on or after July 1, 1990.

(3) Sections 1001 through 1012 shall take effect July 1, 1990.

(4) Section 1301 shall take effect July 1, 1991.

(5) Sections 601 through 605, for purposes of sentencing adult or juvenile offenders shall take effect July 1, 1990, and shall apply to crimes or offenses committed on or after July 1, 1990. For purposes of defining a "sexually violent offense" pursuant to section 1002(4) of this act, sections 601 through 605 of this act shall take effect July 1, 1990, and shall apply to crimes committed on, before, or after July 1, 1990."

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 13.40.205, 10.77.163, 10.77.165, 10.77.210, 71.05.325, 71.05.390, 71.05.420, 71.05.440, 71.05.670, 9.94A.155, 13.50.050, 9.95.140, 10.97.030, 10.97.050, 70.48.100, 43.43.765, 9.92.151, 9.94A.150, 70.48.210, 13.40.020, 13.40.160, 13.40.110, 13.40.210, 43.43.745, 7.68.060, 7.68.070, 7.68.080, 7.68.085, 9.94A.390, 13.40.150, 9.94A.350, 9.94A.120, 9.94A.360, 9.95.009, 9A.44.050, 9A.44.083, 9A.44.076, and 9A.88.010; reenacting and amending RCW 9.94A.030, 9.94A.310, 9.94A.320, 9.94A.400, 18.130.040, 43.43.830, 43.43.832, 43.43.834, and 43.43.838; adding a new section to chapter 4.24 RCW; adding new sections to chapter 9.94A RCW; adding a new section to chapter 9.95 RCW; adding a new section to chapter 74.13 RCW; adding new sections to chapter 9A.44 RCW; adding a new section to chapter 10.01 RCW; adding new sections to chapter 10.77 RCW; adding new sections to chapter 13.40 RCW; adding a new section to chapter 43.43 RCW; adding a new section to chapter 46.20 RCW; adding a new section to chapter 70.48 RCW; adding new sections to chapter 71.05 RCW; adding a new section to chapter 71.06 RCW; adding new sections to chapter 72.09 RCW; adding a new chapter to Title 18 RCW; adding a new chapter to Title 71 RCW; adding a new section to chapter 43.06 RCW; adding a new chapter to Title 43 RCW; adding a new section to chapter 26.44 RCW; creating new sections; prescribing penalties; providing effective dates; and declaring an emergency."

Signed by Senators Nelson, Newhouse, Talmadge; Representatives Appelwick, Insee, Padden.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 6259 was adopted and the committee was granted the powers of Free Conference.

There being no objection, the President returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

February 22, 1990

SHB 1797

Prime Sponsor, Committee on Housing: Applying the mobile home landlord-tenant act to individual lots. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; McMullen, Murray, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 22, 1990

SHB 1824 Prime Sponsor, Committee on Higher Education: Regarding tuition waivers for state employees at state institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Bauer, Smitherman, Stratton, von Reichbauer.

Referred to Committee on Ways and Means.

February 22, 1990

ESHB 2277 Prime Sponsor, Committee on Environmental Affairs: Creating a joint select committee on air quality. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 22, 1990

HB 2411 Prime Sponsor, Representative Braddock: Amending health care authority provisions. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Smith, Vice Chairman; Amondson, Johnson, Wojahn.

Passed to Committee on Rules for second reading.

February 22, 1990

EHB 2413 Prime Sponsor, Representative Wood: Including middle and junior high school students in the mathematics, engineering, and science achievement program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Referred to Committee on Ways and Means.

February 22, 1990

E2SHB 2494 Prime Sponsor, Committee on Appropriations: Changing provisions relating to oil and hazardous substance spills. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 22, 1990

HB 2546 Prime Sponsor, Representative Phillips: Renewing the Washington telephone assistance program. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Nelson, Owen, Patrick, Stratton, Williams.

Passed to Committee on Rules for second reading.

February 22, 1990

EHB 2617 Prime Sponsor, Representative G. Fisher: Establishing a jet aircraft emissions study. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Passed to Committee on Rules for second reading.

February 22, 1990

EHB 2636 Prime Sponsor, Representative Zellinsky: Exempting emergency service tow trucks from weight and load restrictions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Barr, Bender, Benitz, Conner, DeJarnatt, Hansen, McMullen, Madsen, Murray, Patrick, Sellar.

Passed to Committee on Rules for second reading.

February 22, 1990

EHB 2667 Prime Sponsor, Representative Phillips: Changing provisions relating to low-income home energy assistance and creating a joint select committee on low-income home energy assistance. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Nelson, Owen, Patrick, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

February 22, 1990

EHB 2716 Prime Sponsor, Representative Crane: Making a person who overloads a truck a codefendant. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; Bender, Benitz, Conner, DeJarnatt, Hansen, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

February 22, 1990

EHB 2842 Prime Sponsor, Representative Hine: Permitting more discretion in granting disabled parking permits. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; Benitz, Conner, DeJarnatt, Hansen, McMullen, Madsen, Murray, Patrick, Sellar.

Passed to Committee on Rules for second reading.

February 22, 1990

SHB 2915 Prime Sponsor, Committee on Higher Education: Changing provisions relating to vocational education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules for second reading.

February 22, 1990

ESHB 2971 Prime Sponsor, Committee on Housing: Requiring drug prevention plans for assisted housing. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; McMullen, Murray, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 22, 1990

SHB 2999 Prime Sponsor, Committee on Higher Education: Revising provisions for compensation for community college officers and employees. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Smitherman, Stratton, von Reichbauer.

Referred to Committee on Ways and Means.

February 22, 1990

EHJM 4019 Prime Sponsor, Representative Nelson: Requesting equal income tax treatment of employer-provided transit passes and vehicle parking. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; Bender, Benitz, Conner, DeJarnatt, Hansen, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

February 22, 1990

HJM 4024 Prime Sponsor, Representative Basich: Promoting a Pacific Coast Highway Corridor. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, Conner, DeJarnatt, Hansen, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

February 22, 1990

HJM 4030 Prime Sponsor, Representative D. Sommers: Requesting that the new Division Street Bridge in Spokane be named the Sam Guess Memorial Bridge. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Benitz, Conner, DeJarnatt, Hansen, McMullen, Madsen, Murray, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

There being no objection, the President advanced the Senate to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

February 15, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Dennis I. Okamoto, appointed February 15, 1990, for a term beginning March 1, 1990, and ending at the Governor's pleasure, as Director of the Department of Revenue.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Ways and Means.

SECOND READING

SENATE BILL NO. 6202, by Senators Lee, Talmadge, Bluechel and Conner
Establishing an international trade office in Toronto.

MOTIONS

On motion of Senator Lee, Second Substitute Senate Bill No. 6202 was substituted for Senate Bill No. 6202 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, Second Substitute Senate Bill No. 6202 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6202.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6202 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 45.

Excused: Senators McCaslin, McDonald, Saling, West - 4.

SECOND SUBSTITUTE SENATE BILL NO. 6202, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6219, by Senators Thorsness, Gaspard, Bailey, Rinehart, Bender, Madsen, Metcalf, Murray, Talmadge, Lee, Craswell, Bluechel, Warnke, Patrick, Bauer and Stratton (by request of Superintendent of Public Instruction)

Providing for the implementation of a state-wide video telecommunications system for public schools.

MOTIONS

On motion of Senator Bailey, Second Substitute Senate Bill No. 6219 was substituted for Senate Bill No. 6219 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, Second Substitute Senate Bill No. 6219 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6219.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6219 and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 42.

Voting nay: Senators Conner, Craswell - 2.

Absent: Senator McMullen - 1.

Excused: Senators McCaslin, McDonald, Saling, West - 4.

SECOND SUBSTITUTE SENATE BILL NO. 6219, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8433, by Senators Benitz and West

Creating a joint select committee on interpersonal violence.

MOTIONS

On motion of Senator Nelson, Substitute Senate Concurrent Resolution No. 8433 was substituted for Senate Concurrent Resolution No. 8433 and the substitute concurrent resolution was placed on second reading and read the second time.

On motion of Senator Nelson, Substitute Senate Concurrent Resolution No. 8433 was advanced to third reading, the second reading considered the third, and the concurrent resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Concurrent Resolution No. 8433.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Concurrent Resolution No. 8433 and the concurrent resolution passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJamatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 45.

Excused: Senators McCaslin, McDonald, Saling, West - 4.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8433, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Bender, Senator Owen was excused.

At 12:30 p.m., the President declared the Senate to be at ease.

The Senate was called to order at 12:36 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

February 23, 1990

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 6259 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: E2SSB 6259

Changing provisions relating to criminal offenders.

February 23, 1990

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee and request for Free Conference on Engrossed Second Substitute Senate Bill No. 6259, read in earlier today.)

Signed by Senators Nelson, Newhouse, Talmadge; Representatives Appelwick, Insee, Padden.

MOTION

On motion of Senator Newhouse, Joint Rule 11 was suspended and the Report of the Free Conference Committee on Engrossed Second Substitute Senate Bill No. 6259 was adopted.

EDITOR'S NOTE: Joint Rule 11 reads: "The report of a conference or free conference committee may be adopted by acclamation, but concurrence in the bill as amended shall be by roll call and the ayes and nays entered on the journals of the respective houses. The report must be voted upon in its entirety and cannot be amended.

The report shall be read in full in each house before a vote is taken on the report. The senate and house, within their own bodies, can suspend the reading of a report in full. Each house shall have twenty-four hours from the time of proper receipt, by the chief clerk of the house and the secretary of the senate, to consider reports from a free conference committee. Neither house may vote thereon until the twenty-four hour period shall have elapsed. The clerk and the secretary shall place the reports on the desks of the members as soon as possible. The foregoing provisions relating to twenty-four hour intervals may be suspended by the senate or the house of representatives by a two-thirds vote of the members present, and such suspension shall apply only to the house voting to suspend these provisions.

No floor vote may be taken on any free conference committee report without a summary of additions, changes, and deletions made by the free conference committee with a reference in each instance to the page and line number or numbers in the report containing said additions, changes or deletions.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6259, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6259, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 45.

Excused: Senators McCaslin, Owen, Saling, West - 4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6259, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:45 p.m., on motion of Senator Newhouse, the Senate recessed until 6:00 p.m.

The Senate was called to order at 5:36 p.m. by Senator Rasmussen.

There being no objection, Senator Rasmussen returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

February 22, 1990

SB 6901 Prime Sponsor, Senator Saling: Reviewing the Washington Institute for Applied Technology. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6901 be substituted therefor, and the substitute bill do pass. Signed by Senators Saling, Chairman; Bauer, Smitherman, Stratton, von Reichbauer.

Passed to Committee on Rules for second reading.

February 23, 1990

ESHB 1237 Prime Sponsor, Committee on Judiciary: Changing allowable fees charged by clerks of the superior court. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Madsen, Newhouse, Niemi, Rinehart, Talmadge, Thorsness.

Referred to Committee on Ways and Means.

February 23, 1990

SHB 1375 Prime Sponsor, Committee on Commerce and Labor: Requiring certification of electric spa equipment. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Anderson, Vice Chairman; McDonald, McMullen, Matson, Murray, Williams.

Passed to Committee on Rules for second reading.

February 22, 1990

ESHB 1557 Prime Sponsor, Committee on Commerce and Labor: Providing for state employee collective bargaining. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Referred to Committee on Ways and Means.

February 23, 1990

SHB 1565 Prime Sponsor, Committee on Judiciary: Relating to family relationships presumed to be valid for immigrants. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 22, 1990

SHB 1597 Prime Sponsor, Committee on State Government: Establishing a geologists' review board. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 22, 1990

2SHB 1653 Prime Sponsor, Committee on Judiciary: Regulating credit agreements. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, McMullen, Matson, Moore, Rasmussen, Smitherman.

Passed to Committee on Rules for second reading.

February 22, 1990

2SHB 1911 Prime Sponsor, Committee on Local Government: Revising and adding provisions on special districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 23, 1990

2SHB 2023 Prime Sponsor, Committee on Trade and Economic Development: Providing for technology development and commercialization. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; McMullen, Matson, Murray, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 23, 1990

2SHB 2122 Prime Sponsor, Committee on Appropriations: Making changes regarding dependency proceedings. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Referred to Committee on Ways and Means.

February 23, 1990

EHB 2261 Prime Sponsor, Representative Silver: Making it a misdemeanor to require recording of a credit card number for check cashing purpose. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, Moore, Rasmussen, Smitherman.

Passed to Committee on Rules for second reading.

February 22, 1990

HB 2272 Prime Sponsor, Representative Leonard: Changing provisions relating to mobile home landlords. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 22, 1990

SHB 2279 Prime Sponsor, Committee on Local Government: Providing county reimbursement for selected transportation of human remains. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 23, 1990

EHB 2289 Prime Sponsor, Representative Sayan: Increasing the reimbursements for Washington conservation corps members. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Murray, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 22, 1990

ESHB 2327 Prime Sponsor, Committee on State Government: Changing provisions relating to sunset review of programs and agencies. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 23, 1990

HB 2341 Prime Sponsor, Representative R. Meyers: Creating a felony for tampering with fire fighting equipment with the intent to commit a felony. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 23, 1990

SHB 2342 Prime Sponsor, Committee on Commerce and Labor: Licensing fire protection sprinkler system contractors. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Anderson, Vice Chairman; McDonald, McMullen, Matson, Murray, Smitherman, Williams.

Passed to Committee on Rules for second reading.

February 23, 1990

E2SHB 2348 Prime Sponsor, Committee on Appropriations: Establishing an employment training program. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Murray, Williams.

Referred to Committee on Ways and Means.

February 23, 1990

SHB 2349 Prime Sponsor, Committee on Judiciary: Providing for DNA identification. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 22, 1990

2SHB 2359 Prime Sponsor, Committee on Appropriations: Creating the homeless education grant program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Fleming, Gaspard, Murray, Rinehart.

Referred to Committee on Ways and Means.

February 23, 1990

HB 2362 Prime Sponsor, Representative R. King: Providing incentives for state agencies and institutions of higher education to participate in industrial insurance safety programs and return-to-work programs. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Matson, Murray, Smitherman, Williams.

Referred to Committee on Ways and Means.

February 22, 1990

SHB 2378 Prime Sponsor, Committee on Capital Facilities and Financing: Changing the authority of educational service district boards with

regard to the purchase and sale of property used for the operation of the educational service district. Reported by Committee on Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Fleming, Gaspard, Murray, Rinehart.

Referred to Committee on Ways and Means.

February 21, 1990

SHB 2403 Prime Sponsor, Committee on State Government: Adding video telecommunication responsibilities to the department of information services. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Sutherland.

Referred to Committee on Ways and Means.

February 22, 1990

EHB 2406 Prime Sponsor, Representative D. Sommers: Limiting the ban on tobacco on public school property. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Benitz, Fleming, Gaspard, Murray.

Passed to Committee on Rules for second reading.

February 23, 1990

SHB 2416 Prime Sponsor, Committee on Financial Institutions and Insurance: Changing multiple insurance statutes. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McMullen, Moore, Rasmussen, Smitherman.

Passed to Committee on Rules for second reading.

February 23, 1990

HB 2417 Prime Sponsor, Representative Dellwo: Regarding the cancellation of insurance. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McMullen, Moore, Rasmussen, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

February 23, 1990

EHB 2425 Prime Sponsor, Representative Rasmussen: Authorizing revocation of driving privileges for violation of drug and alcohol laws. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 22, 1990

E2SHB 2471 Prime Sponsor, Committee on Appropriations: Establishing a before and after school child care pilot program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Fleming, Gaspard, Murray, Rinehart.

Referred to Committee on Ways and Means.

February 22, 1990

HB 2485 Prime Sponsor, Representative Rector: Qualifying as a self-insurer of industrial insurance. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 22, 1990

HB 2497 Prime Sponsor, Representative Jones: Processing disputed industrial insurance claims. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 22, 1990

HEB 2499 Prime Sponsor, Representative Prentice: Changing notice and withhold requirements when industrial insurance taxes are in arrears. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; McMullen, Matson, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 22, 1990

HB 2502 Prime Sponsor, Representative Cole: Regarding construction lien laws. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McMullen, Matson, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

February 23, 1990

HB 2508 Prime Sponsor, Representative Vekich: Revising provisions for pasteurization in relation to licenses for the sale of beer. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Murray, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 22, 1990

SHB 2515 Prime Sponsor, Committee on Financial Institutions and Insurance: Permitting reciprocal insurance exchanges to engage in real estate transactions. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, Moore, Rasmussen, Smitherman.

Passed to Committee on Rules for second reading.

February 22, 1990

ESHB 2517 Prime Sponsor, Committee on Appropriations: Establishing the magnet school program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Fleming, Gaspard, Metcalfe, Murray, Rinehart.

Referred to Committee on Ways and Means.

February 23, 1990

HB 2526 Prime Sponsor, Representative Jacobsen: Revising provisions for registration of telecommunication companies. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Metcalf, Nelson, Owen, Patrick, Stratton, Sutherland, Williams.

Passed to Committee on Rules for second reading.

February 22, 1990

ESHB 2533 Prime Sponsor, Committee on Education: Establishing the local master's degree teacher training program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Bauer, Smitherman, von Reichbauer.

Referred to Committee on Ways and Means.

February 23, 1990

2SHB 2543 Prime Sponsor, Committee on Appropriations: Regarding community violence prevention and public security programs. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Nelson, Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Referred to Committee on Ways and Means.

February 22, 1990

SHB 2544 Prime Sponsor, Committee on Local Government: Providing an alternate lien and foreclosure process for sewer charges. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 21, 1990

EHB 2571 Prime Sponsor, Representative Sprengle: Exempting motor freight carriers who haul recyclables from certain utilities and transportation commission regulation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; Barr, Benitz, DeJarnatt, Murray, Patrick, Sellar.

Passed to Committee on Rules for second reading.

February 23, 1990

SHB 2583 Prime Sponsor, Committee on Financial Institutions and Insurance: Mandating coverage for diabetic education. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McCaslin, Rasmussen, Smitherman, West.

Referred to Committee on Ways and Means.

February 22, 1990

SHB 2584 Prime Sponsor, Committee on Local Government: Raising public utility district internal job value limits and creating a small works roster. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 23, 1990

EHB 2606 Prime Sponsor, Representative Ferguson: Requiring disclosure of the right to cancel mortgage insurance. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McCaslin, Rasmussen, Sellar, West.

Passed to Committee on Rules for second reading.

February 22, 1990

SHB 2609 Prime Sponsor, Committee on Revenue: Revising provisions for the Washington pollution liability insurance program. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, McMullen, Matson, Moore, Rasmussen, Smitherman.

Referred to Committee on Ways and Means.

February 23, 1990

HB 2615 Prime Sponsor, Representative Dellwo: Excluding commercial paper from "personal property" held by a pawnbroker or second-hand dealer. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, Moore, Rasmussen, Smitherman, West.

Passed to Committee on Rules for second reading.

February 20, 1990

EHB 2626 Prime Sponsor, Representative Wang: Giving high school credit for high school courses taken in the seventh and eighth grades. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 23, 1990

ESHB 2630 Prime Sponsor, Committee on Judiciary: Abrogating the professional rescuer doctrine. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Madsen, Niemi, Patrick, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 20, 1990

EHB 2641 Prime Sponsor, Representative S. Wilson: Declaring a moratorium on further private ferries. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; von Reichbauer, Vice Chairman; Bender, DeJarnatt, McMullen, Madsen, Murray, Patrick.

Passed to Committee on Rules for second reading.

February 22, 1990

SHB 2649 Prime Sponsor, Committee on Transportation: Authorizing the department of transportation to place conditions on rail line salvage. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Paterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Bender, Conner, DeJarnatt, Hansen, McMullen, Madsen, Murray, Patrick, Sellar.

Passed to Committee on Rules for second reading.

February 22, 1990

HB 2654 Prime Sponsor, Representative Cole: Adopting a policy prohibiting corporal punishment. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Bender, Fleming, Gaspard, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 23, 1990

HB 2695 Prime Sponsor, Representative Vekich: Revising provisions for industrial insurance vocational rehabilitation services. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; McMullen, Murray, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 23, 1990

ESHB 2706 Prime Sponsor, Committee on Trade and Economic Development: Promoting economic diversification for defense-dependent industries and communities. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Matson, Murray, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 22, 1990

HB 2707 Prime Sponsor, Representative H. Sommers: Changing provisions relating to school district indebtedness. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Fleming, Gaspard, Murray, Rinehart.

Referred to Committee on Ways and Means.

February 23, 1990

HB 2746 Prime Sponsor, Representative McLean: Creating a crime of enticement. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 23, 1990

SHB 2752 Prime Sponsor, Committee on Judiciary: Pertaining to depictions of minors engaged in sexually explicit conduct. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Talmadge, Thorsness.

Passed to Committee on Rules for second reading.

February 20, 1990

HB 2761 Prime Sponsor, Representative Peery: Changing provisions relating to the Washington state school directors' association. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 23, 1990

E2SHB 2774 Prime Sponsor, Committee on Appropriations: Providing for economic impact studies of sports events. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; McMullen, Matson, Murray, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 22, 1990

SHB 2780 Prime Sponsor, Committee on Revenue: Changing provisions relating to levies. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 22, 1990

EHB 2797 Prime Sponsor, Representative R. Fisher: Rearranging provisions relating to candidacy and changing provisions relating to ballot forms and voting equipment. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Sutherland.

Passed to Committee on Rules for second reading.

February 23, 1990

ESHB 2801 Prime Sponsor, Committee on Commerce and Labor: Clarifying the definition of collection agencies. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, McMullen, Moore, Rasmussen, Smitherman, West.

Passed to Committee on Rules for second reading.

February 23, 1990

ESHB 2809 Prime Sponsor, Committee on Judiciary: Allowing certain child abuse victims to testify through closed-circuit television. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Hayner, Madsen, Newhouse, Patrick, Rasmussen, Thorsness.

Passed to Committee on Rules for second reading.

February 23, 1990

EHB 2850 Prime Sponsor, Representative Raiter: Revising provisions for the Washington economic development finance authority. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Murray, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 22, 1990

SHB 2854 Prime Sponsor, Committee on Local Government: Ratifying procedures used by certain counties for contracts for solid waste systems. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; DeJarnatt, Patrick.

MINORITY recommendation: Do not pass as amended. Signed by Senators Thorsness, Vice Chairman; Sutherland.

Passed to Committee on Rules for second reading.

February 22, 1990

HB 2901 Prime Sponsor, Representative Dellwo: Modifying the statutes pertaining to the Washington life and disability insurance guaranty association. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; McCaslin, McMullen, Matson, Moore, Rasmussen, Smitherman.

Passed to Committee on Rules for second reading.

February 23, 1990

ESHB 2907 Prime Sponsor, Committee on Housing: Concerning mobile home relocation. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; McMullen, Matson, Murray, Smitherman, Williams.

Referred to Committee on Ways and Means.

February 20, 1990

EHB 2911 Prime Sponsor, Representative Nutley: Exempting school districts and associated students of school districts from certain contract prohibitions. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Bender, Benitz, Fleming, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 22, 1990

SHB 2935 Prime Sponsor, Committee on Local Government: Modifying the provisions for local government elections. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Passed to Committee on Rules for second reading.

February 23, 1990

HB 2937 Prime Sponsor, Representative H. Sommers: Providing a definition of "public market." Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McMullen, Moore, Rasmussen, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

February 23, 1990

EHB 2939 Prime Sponsor, Representative Braddock: Removing population limits at certain correctional institutions. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Hayner, Madsen, Newhouse, Niemi, Patrick, Thorsness.

Referred to Committee on Ways and Means.

February 23, 1990

SHB 2955 Prime Sponsor, Committee on Financial Institutions and Insurance: Pertaining to motor vehicle service contracts. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Fleming, McCaslin, Moore, Rasmussen, Smitherman, West.

Passed to Committee on Rules for second reading.

February 21, 1990

HB 2959 Prime Sponsor, Representative Bennett: Authorizing school districts to require health insurance for students participating in extracurricular activities. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Lee, Vice Chairman; Anderson, Bender, Benitz, Craswell, Fleming, Gaspard, Metcalf, Murray, Rinehart.

Passed to Committee on Rules for second reading.

February 22, 1990

SHB 2992 Prime Sponsor, Committee on Local Government: Changing local government bidding practices. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Sutherland.

Passed to Committee on Rules for second reading.

February 22, 1990

SHB 3001 Prime Sponsor, Committee on Financial Institutions and Insurance: Concerning solvency protection for health maintenance organizations. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, McMullen, Moore, Smitherman.

Passed to Committee on Rules for second reading.

February 22, 1990

SHB 3002 Prime Sponsor, Committee on Financial Institutions and Insurance: Concerning solvency protection for health care service contractors. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, McMullen, Matson, Moore, Rasmussen, Smitherman.

Passed to Committee on Rules for second reading.

MOTION

At 5:37 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Monday, February 26, 1990.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FIFTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 26, 1990

The Senate was called to order at 9:00 a.m. by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bender, Cantu, Fleming, Smith, Smitherman and Talmadge. On motion of Anderson, Senators Cantu and Smith were excused.

The Sergeant at Arms Color Guard, consisting of Pages Megan Patrick and Brian Thomas, presented the Colors. Reverend Gary Fogelquist, pastor of the Lacey Seventh-Day Adventist Church, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 23, 1990

SB 6191 Prime Sponsor, Senator West: Establishing the Washington state trauma care system. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6191, as recommended by Committee on Health and Long-Term Care, be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Johnson, Lee, Moore, Newhouse, Niemi, Owen, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1990

SB 6841 Prime Sponsor, Senator Nelson: Changing provisions relating to juvenile residential burglary. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6841 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1990

HB 1323 Prime Sponsor, Representative Hine: Changing provisions relating to portability of public employment retirement benefits. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1990

HB 2311 Prime Sponsor, Representative H. Sommers: Reinstating the state fire service training center bond retirement fund. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu,

Fleming, Gaspard, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1990

HB 2343 Prime Sponsor, Representative Fraser: Expanding the secrecy clause for tax information and administration. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Johnson, Lee, Moore, Newhouse, Niemi, Owen, Smith, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1990

ESHB 2344 Prime Sponsor, Committee on Revenue: Requiring electronic transfer of funds for certain large tax payments. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Lee, Moore, Newhouse, Niemi, Owen, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1990

HB 2345 Prime Sponsor, Representative Basich: Changing enhanced food fish tax remittance requirements. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1990

HB 2373 Prime Sponsor, Representative Holland: Revising bond information requirements. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1990

HB 2424 Prime Sponsor, Representative Ballard: Directing a study to define taxpayer rights and responsibilities. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Johnson, Lee, Matson, Moore, Newhouse, Owen, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 23, 1990

SHB 2455 Prime Sponsor, Committee on Local Government: Authorizing local governments to establish public corporations to finance nonprofit corporations. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu,

Fleming, Gaspard, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1990

HB 2503 Prime Sponsor, Representative Vekich: Allowing supplemental pension funds to be invested. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1990

SHB 2643 Prime Sponsor, Committee on Appropriations: Changing survivorship options for members of state retirement systems. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1990

SHB 2644 Prime Sponsor, Committee on Appropriations: Revising provisions relating to retirement systems. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Cantu, Fleming, Johnson, Lee, Matson, Moore, Newhouse, Owen, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1990

HB 2988 Prime Sponsor, Representative Locke: Funding low-income housing near the state convention and trade center. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Fleming, Johnson, Lee, Moore, Owen, Smith, Williams.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

February 23, 1990

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4432, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6902 by Senators Craswell, Bluechel, Hayner, Cantu and McDonald

AN ACT Relating to wages paid for common school construction and renovation; and amending RCW 39.12.020.

Referred to Committee on Economic Development and Labor.

SB 6903 by Senators Anderson, Hayner, McDonald, Cantu, Benitz, Metcalf, Craswell, Sellar and Smith

AN ACT Relating to quality schools; amending RCW 28A.03.360, 28A.70.010, and 28A.58.0951; adding new sections to Title 28A RCW; adding new chapters to Title 28A RCW; creating new sections; making an appropriation; and providing an effective date.

Referred to Committee on Education.

SCR 8436 by Senators Owen, Conner, Moore and Rasmussen

Honoring the Simpson Investment Company.

HOLD.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4432 by Representatives Prince, Hine, Day, Ferguson and McLean

Establishing the "Legislative Old Timers" Reunion.

HOLD.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8436 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4432 was advanced to second reading and placed on the second reading calendar.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9142, Robert J. Anderson, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

Senator Bauer spoke to the confirmation of Robert J. Anderson as a member of the Board of Trustees for the State School for the Blind.

APPOINTMENT OF ROBERT J. ANDERSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; absent, 4; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senators Bender, Fleming, Smitherman, Talmadge - 4.

Excused: Senators Cantu, Smith - 2.

MOTION

On motion of Senator Warnke, Senators Bender, Fleming, Smitherman and Talmadge were excused.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9163, Joseph Fram, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

APPOINTMENT OF JOSEPH FRAM

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Bender, Fleming, Smith, Smitherman, Talmadge - 5.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3007, by Committee on Local Government (originally sponsored by Representative Nealey)

Relating to notice of employee pension plans provided by third class cities and fourth class municipalities.

The bill was read the second time.

MOTIONS

On motion of Senator McCaslin, the following Committee on Governmental Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 35.24.090, chapter 7, Laws of 1965 as last amended by section 1, chapter 87, Laws of 1973 1st ex. sess. and RCW 35.24.090 are each amended to read as follows:

The mayor and the members of the city council may be reimbursed for actual expenses incurred in the discharge of their official duties, upon presentation of a claim therefor, after allowance and approval thereof, by resolution of the city council; and each city (~~councilman~~) councilmember may be paid for attending council meetings an amount which shall be fixed by ordinance and may be revised from time to time by ordinance, but any increase or reduction in the compensation attaching to an office shall not be applicable to the term then being served by the incumbent.

The city attorney, clerk and treasurer, if elective, shall severally receive at stated times a compensation to be fixed by ordinance by the city council.

The mayor and other officers shall receive such compensation as may be fixed by the city council at the time the estimates are made as provided by law.

Any city that provides a pension for any of its employees under a plan not administered by the state must notify the state auditor of the existence of the plan at the time of an audit of the city by the auditor. No city may establish a pension plan for its employees that is not administered by the state, except that any defined contribution plan in existence as of January 1, 1990, is deemed to have been authorized. No city that provides a defined contribution plan for its employees as authorized by this section may make any material changes in the terms or conditions of the plan after the effective date of this 1990 act.

Sec. 2. Section 35.27.130, chapter 7, Laws of 1965 as last amended by section 2, chapter 87, Laws of 1973 1st ex. sess. and RCW 35.27.130 are each amended to read as follows:

The mayor and members of the town council may be reimbursed for actual expenses incurred in the discharge of their official duties upon presentation of a claim therefor and its allowance and approval by resolution of the town council. The mayor and members of the council may also receive such salary as the council may fix by ordinance.

The treasurer and treasurer-clerk shall severally receive at stated times a compensation to be fixed by ordinance.

The compensation of all other officers shall be fixed from time to time by the council.

Any town that provides a pension for any of its employees under a plan not administered by the state must notify the state auditor of the existence of the plan at the time of an audit of the town by the auditor. No town may establish a pension plan for its employees that is not administered by the state, except that any defined contribution plan in existence as of January 1, 1990, is deemed to have been authorized. No town that provides a defined contribution plan for its employees as authorized by this section may make any material changes in the terms or conditions of the plan after the effective date of this 1990 act."

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 2 of the title, after "municipalities;" strike the remainder of the title and insert "and amending RCW 35.24.090 and 35.27.130."

MOTION

On motion of Senator McCaslin, Substitute House Bill No. 3007, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 3007, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3007, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senator Patrick - 1.

Excused: Senators Fleming, Smitherman, Talmadge - 3.

SUBSTITUTE HOUSE BILL NO. 3007, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

REENGROSSED HOUSE JOINT RESOLUTION NO. 4203, by Representatives Cooper, Horn, Haugen, Ferguson, Phillips, Rayburn, Raiter, Wood, Wolfe, Nutley, Doty, Hine and Nelson

Amending the Constitution to alter the requirements for changing county boundaries.

The joint resolution was read the second time.

MOTION

On motion of Senator McCaslin, Reengrossed House Joint Resolution No. 4203 was advanced to third reading, the second reading considered the third, and the joint resolution was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator McCaslin, do you anticipate that this will create more harmony in the state of Washington?"

Senator McCaslin: "Yes sir, I believe it would."

Senator Rasmussen: "By counties fighting counties and--"

Senator McCaslin: "Hopefully, this will provide a process where the fights would not be so violent and perhaps we can get them to sit down and agree."

Senator Rasmussen: "Other than a few people, can you think of anyone who has a desire such as to split the state--to make an eastern state and a western state which could be handled by the consolidation of counties?"

Senator McCaslin: "Well, I think many of us in eastern Washington would like to be a separate state, but I don't think it addresses that."

Senator Rasmussen: "You wouldn't say that you have ulterior motives?"

Senator McCaslin: "Me, never, Senator Rasmussen. Never, have I had ulterior motives."

Senator Rasmussen: "Thank you, Senator McCaslin, for your reassurance."

Senator McCaslin: "Thank you, Senator Rasmussen, for leading me cautiously down the questions of Senator Rasmussen."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Reengrossed House Joint Resolution No. 4203.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed House Joint Resolution No. 4203 and the joint resolution passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senators Bailey, McDonald, Rasmussen - 3.

Excused: Senators Fleming, Talmadge - 2.

REENGROSSED HOUSE JOINT RESOLUTION NO. 4203, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED HOUSE BILL NO. 1703, by Representatives R. Fisher, McLean and Anderson (by request of Office of Financial Management)

Revising computation of subsistence and travel expenses.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, Engrossed House Bill No. 1703 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Bender, Senator Bauer was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1703.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1703 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Bauer, Fleming, Talmadge - 3.

ENGROSSED HOUSE BILL NO. 1703, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE SENATE BILL NO. 6259.

SECOND READING

HOUSE BILL NO. 2410, by Representatives Anderson, Wolfe, Prentice, Brooks, Locke, Scott, Miller, Wood, Wineberry and Brekke

Extending medical assistance hospice benefits through the end of this biennium.

The bill was read the second time.

MOTION

On motion of Senator West, House Bill No. 2410 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2410.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2410 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Bauer, Fleming, Talmadge - 3.

HOUSE BILL NO. 2410, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2337, by Committee on Commerce and Labor (originally sponsored by Representatives Cole, Walker, Vekich, Prentice, Ferguson, P. King, Rector and Winsley)

Permitting private collective bargaining sessions by public bodies.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, Substitute House Bill No. 2337 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2337.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2337 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Bauer, Talmadge - 2.

SUBSTITUTE HOUSE BILL NO. 2337, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2032, by Representatives Todd, Phillips, Ferguson, Rayburn, Raiter, Nelson, Baugher, Crane and McLean

Including senior citizen and community centers within the definition of recreational facilities for park and recreation districts.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, House Bill No. 2032 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2032.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2032 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Bauer, Talmadge - 2.

HOUSE BILL NO. 2032, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Warnke, Senator Sutherland was excused.

SECOND READING

SENATE BILL NO. 6291, by Senators Hansen, Barr and Rasmussen

Regulating purple loosestrife.

MOTIONS

On motion of Senator Nelson, Second Substitute Senate Bill No. 6291 was substituted for Senate Bill No. 6291 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, Second Substitute Senate Bill No. 6291 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6291.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6291 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Bauer, Sutherland, Talmadge - 3.

SECOND SUBSTITUTE SENATE BILL NO. 6291, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1264, by Committee on Local Government (originally sponsored by Representatives Nealey, Haugen, Ferguson, McLean, Horn, Cooper and Moyer)

Changing provisions relating to local registrars.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, Substitute House Bill No. 1264 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1264.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1264 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Bauer, Sutherland, Talmadge - 3.

SUBSTITUTE HOUSE BILL NO. 1264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1523, by Representatives Kremen, Braddock and Spanel

Revising provisions for contractor advertising.

The bill was read the second time.

MOTION

On motion of Senator Anderson, House Bill No. 1523 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1523.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1523 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Cantu - 1.

Excused: Senators Bauer, Sutherland, Talmadge - 3.

HOUSE BILL NO. 1523, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senators Amondson and Cantu were excused.

SECOND READING

HOUSE BILL NO. 1571, by Representatives R. Fisher, McLean and Sayan (by request of Secretary of State)

Changing the procedure for filling port district vacancies.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, House Bill No. 1571 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1571.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1571 and the bill passed the Senate by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senators Bender, Vognild - 2.

Excused: Senators Amondson, Cantu, Sutherland, Talmadge - 4.

HOUSE BILL NO. 1571, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Warnke, Senators Bender and Vognild were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2933, by Committee on Local Government (originally sponsored by Representatives Ferguson, Haugen and Crane)

Studying local government self insurance pools.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, Substitute House Bill No. 2933 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2933.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2933 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Bender, Cantu, Sutherland, Talmadge, Vognild - 5.

SUBSTITUTE HOUSE BILL NO. 2933, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6312, by Senators West, Kreidler and Rasmussen (by request of Department of Social and Health Services)

Making technical changes to alcohol and drug treatment laws.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 6312 was substituted for Senate Bill No. 6312 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, Substitute Senate Bill No. 6312 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6312.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6312 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Cantu, Sutherland, Talmadge, Vognild - 4.

SUBSTITUTE SENATE BILL NO. 6312, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

TO: Gordon Golob, Secretary of the Senate
 FROM: Senator Dean Sutherland
 DATE: February 27, 1990
 SUBJECT: Absence from Session

On February 26, 1990, I missed the following votes on the Senate Floor in the morning session. I was excused, but I would like to add for the record that I would have voted 'yes' on Second Substitute Senate Bill No. 6291, Substitute House Bill No. 1264, House Bill No. 1523, House Bill No. 1571, Substitute House Bill No. 2933 and Substitute Senate Bill No. 6312.

I was excused because of my assigned work by my leadership to work on a growth strategies bill.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8429, by Senators Smith, Vognild, Bailey, Stratton and Conner

Creating the Washington State Adoption Commission.

MOTIONS

On motion of Senator Smith, Substitute Senate Concurrent Resolution No. 8429 was substituted for Senate Concurrent Resolution No. 8429 and the substitute concurrent resolution was placed on second reading and read the second time.

On motion of Senator Smith, Substitute Senate Concurrent Resolution No. 8429 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Concurrent Resolution No. 8429.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Concurrent Resolution No. 8429 and the concurrent resolution passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Talmadge - 1.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8429, having received the constitutional majority, was declared passed.

SECOND READING

REENGROSSED HOUSE BILL NO. 1055, by Representatives R. Fisher, Chandler, Zellinsky, Fraser, D. Sommers and Smith

Financing fire protection for state-owned buildings.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, Reengrossed House Bill No. 1055 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Reengrossed House Bill No. 1055.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed House Bill No. 1055 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator DeJarnatt - 1.

Excused: Senator Talmadge - 1.

REENGROSSED HOUSE BILL NO. 1055, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1394, by Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn and Baugher)

Revising irrigation district bidding requirements.

The bill was read the second time.

MOTION

On motion of Senator Barr, Engrossed Substitute House Bill No. 1394 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1394.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1394 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Talmadge - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1394, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Warnke, Senator Hansen was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1881, by Representatives Rayburn, Nealey and Doty

Modifying allowable compensation for irrigation district directors.

The bill was read the second time.

MOTION

On motion of Senator Barr, Engrossed House Bill No. 1881 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1881.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1881 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Hansen, Talmadge - 2.

ENGROSSED HOUSE BILL NO. 1881, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2260, by Representatives Ferguson, Haugen and Wood

Changing provisions relating to the Municipal Research Council.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, Engrossed House Bill No. 2260 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTIONS

On motion of Senator Bender, Senator Warnke was excused.

On motion of Senator Anderson, Senator Matson was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2260.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2260 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Hansen, Matson, Talmadge, Warnke - 4.

ENGROSSED HOUSE BILL NO. 2260, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2265, by Representatives Holland, Peery, Horn, Jones, Brumsickle, Rayburn, Schoon, Phillips, Rasmussen, Dorn, Walker, G. Fisher, Valle, P. King, K. Wilson, Wolfe, Wineberry, Ferguson, Padden, Leonard, Todd, Van Luven, Nealey, Doty, Dellwo, McLean, Bowman, Morris, Smith, Tate, Hine, Youngsman, Forner, Kremen, Cooper, Betrozoff, Pruitt, Basich and Miller

Expanding the excellence in education program to include classified staff.

The bill was read the second time.

MOTION

On motion of Senator Bailey, House Bill No. 2265 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2265.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2265 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Hansen, Matson, Talmadge, Warnke - 4.

HOUSE BILL NO. 2265, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2276, by Representatives Peery, Betrozoff, G. Fisher, Brumsickle, Jones, Holland, Phillips, Horn, McLean, Spanel, P. King and Crane

Reorganizing Title 28A RCW.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, House Bill No. 2276 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2276.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2276 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Hansen, Matson, Talmadge, Warnke - 4.

HOUSE BILL NO. 2276, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2292, by Representatives R. King, Bowman, Sayan, Brumsickle, Basich, Brooks, Spanel, Smith, Morris, Day, Jones, Youngsman, Cole, P. King, Wood and Kremen (by request of Department of Fisheries)

Authorizing family fishing days.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, House Bill No. 2292 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2292.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2292 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Hansen, Matson, Talmadge - 3.

HOUSE BILL NO. 2292, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2293, by Committee on Fisheries and Wildlife (originally sponsored by Representatives R. King, Bowman, Sayan, Morris, Brumsickle, Basich, Brooks, Spanel, Smith, Day, Leonard, D. Sommers, Youngsman, Cole, P. King and Wood) (by request of Department of Fisheries)

Authorizing the department of fisheries to issue group fishing permits to state-licensed or state-operated care facilities.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, Engrossed Substitute House Bill No. 2293 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2293.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2293 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Hansen, Matson, Talmadge - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2293, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Due to illness, I missed the votes on February 26, 1990 as to Substitute House Bill No. 3007, Reengrossed House Joint Resolution No. 4203, Engrossed House Bill No. 1703, House Bill No. 2410, Substitute House Bill No. 2337, House Bill No. 2032, Second Substitute Senate Bill No. 6291, Substitute House Bill No. 1264, House Bill No. 1523, House Bill No. 1571, Substitute House Bill No. 2933, Substitute Senate Bill No. 6312, Substitute Senate Concurrent Resolution No. 8429, Reengrossed House Bill No. 1055, Engrossed Substitute House Bill No. 1394, Engrossed House Bill No. 1881, Engrossed House Bill No. 2260, House Bill No. 2265, House Bill No. 2276, House Bill No. 2292, and Engrossed Substitute House Bill No. 2293. I would have voted 'aye' on each.

SENATOR PHIL TALMADGE, 34th District

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4432, by Representatives Prince, Hine, Day, Ferguson, McLean, Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, G. Fisher, R. Fisher, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kirby, Kremen, Leonard, Locke, May, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, O'Brien, Padgen, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

Establishing the "Legislative Old Timers" Reunion.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Newhouse, House Concurrent Resolution No. 4432 was advanced to third reading, the second reading considered the third, and the concurrent resolution was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4432.

House Concurrent Resolution No. 4432 was adopted by voice vote.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8436, by Senator Owen, Conner, Moore and Rasmussen

Honoring the Simpson Investment Company.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Owen, Senate Concurrent Resolution No. 8436 was advanced to third reading, the second reading considered the third, and the concurrent resolution was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8436.

Senate Concurrent Resolution No. 8436 was adopted by voice vote.

There being no objection, the President Pro Tempore advanced the Senate to the eighth order of business.

MOTION

Senator Thorsness moved that the following resolution be adopted:

SENATE RESOLUTION 1990-8743

by Senators Thorsness, Amondson, Warnke, Bender, Bailey, Saling, Conner, Hansen, Matson, West, Sellar, Newhouse, Benitz, Hayner, Nelson, von Reichbauer, McDonald, Lee, Metcalf, Bauer, Stratton, Rasmussen, Craswell, Anderson, Smith, Sutherland, Madsen, Vognild, Owen, Cantu, McCaslin and Patterson

WHEREAS, Over the past two hundred and fourteen years, our nation's flag has stood as a symbol of freedom and justice throughout the world; and

WHEREAS, The flag of the United States of America has stood, not just as a representation of a union of states, but as a symbol of the hopes and ideals of the American people and as a beacon of hope to enslaved people across the globe; and

WHEREAS, American forces, from Valley Forge to Iwo Jima, to the fields and valleys of Vietnam and the streets of Panama have fought and died to protect everything that the Stars and Stripes stand for; and

WHEREAS, The flag is such a powerful part of the life of each American that the mere sight of it proudly flying after the bombardment of Fort McHenry inspired Francis Key to compose our national anthem; and

WHEREAS, From the sight of American marines raising the flag on Mt. Suribachi, to young John F. Kennedy, Jr., saluting the flag in his father's funeral procession, to Neil Armstrong and Edwin Aldrin saluting the Stars and Stripes on the moon, to the flag-draped coffin of every American veteran ever laid to rest, no symbol yet devised can more faithfully capture the love Americans have for their country; and

WHEREAS, United States District Judge Barbara Rothstein recently ruled that Americans must protect the right of persons to destroy our flag in order for it to "endure as a symbol of freedom;" and

WHEREAS, It is the firm conviction of the members of the Washington State Senate that neither our founding fathers, nor the drafters of the Bill of Rights ever envisioned that the desecration of our flag would be condoned or protected by the Constitution;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate petitions the Washington State congressional delegation to actively seek and support a constitutional amendment to ban the destruction, desecration, mutilation or burning of the flag of the United States of America; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to the Honorable George Bush, President of the United States of America, to the President of the United States Senate, and to all members of the Washington State congressional delegation.

Debate ensued.

MOTION

At 11:13 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:51 a.m. by President Pro Tempore Bluechel.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Second Substitute House Bill No. 2077.

On motion of Senator Newhouse, Second Substitute House Bill No. 2077 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Engrossed Second Substitute House Bill No. 2494.

On motion of Senator Newhouse, Engrossed Second Substitute House Bill No. 2494 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Ways and Means was relieved of further consideration of Substitute House Bill No. 2609.

On motion of Senator Newhouse, Substitute House Bill No. 2609 was referred to the Committee on Rules.

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of House Bill No. 2901.

On motion of Senator Newhouse, House Bill No. 2901 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, Senate Bill No. 6902, which was referred to the Committee on Economic Development and Labor on the Introduction and First Reading Calendar earlier today, was referred to the Committee on Ways and Means.

There being no objection, the President Pro Tempore returned the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6904 by Senator Newhouse, Benitz, Warnke, Smitherman, Stratton, Wojahn, Bender, Sutherland, Vognild, Rasmussen, Talmadge, Fleming, Conner, Patrick, Murray, Madsen, Moore, McMullen, Hayner, Anderson, Cantu and Gaspard

AN ACT Relating to local government fiscal matters: amending RCW 82.44.150, 82.44.160, and 43.135.060; adding new sections to chapter 82.14 RCW; and providing an effective date.

MOTION

Senator Newhouse moved that the rules be suspended and Senate Bill No. 6904 be advanced to second reading and placed on the second reading calendar.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Newhouse to suspend the rules and advance Senate Bill No. 6904 to second reading.

The motion by Senator Newhouse carried and Senate Bill No. 6904 was advanced to second reading and placed on the second reading calendar.

MOTION

At 11:58 a.m., on motion of Senator Newhouse, the Senate recessed until 6:00 p.m.

The Senate was called to order at 7:24 p.m. by Senator Bauer.

There being no objection, Senator Bauer returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

February 26, 1990

SB 6624 Prime Sponsor, Senator McDonald: Changing provisions relating to the family independence program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6624 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Newhouse, Owen, Saling, Smith.

MINORITY recommendation: That it not be substituted. Signed by Senators Bauer, Fleming, Gaspard, Moore, Niemi, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1990

EHB 1176 Prime Sponsor, Representative Nelson: Creating the energy efficiency account. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Owen, Saling, Smith, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1990

ESHB 1237 Prime Sponsor, Committee on Judiciary: Changing allowable fees charged by clerks of the superior court. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Niemi, Owen, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1990

REHB 1579 Prime Sponsor, Representative R. Fisher: Allowing state agencies to charge interest on debts. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Lee, Moore, Newhouse, Niemi, Saling, Smith, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1990

SHB 1824 Prime Sponsor, Committee on Higher Education: Regarding tuition waivers for state employees at state institutions of higher education. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Johnson, Lee, Moore, Saling, Smith, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1990

2SHB 2077 Prime Sponsor, Committee on Appropriations: Establishing a network for the reporting of cancer cases. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Johnson, Lee, Moore, Newhouse, Niemi, Saling, Smith, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1990

2SHB 2122 Prime Sponsor, Committee on Appropriations: Making changes regarding dependency proceedings. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Johnson, Lee, Newhouse, Niemi, Saling, Smith, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1990

2SHB 2154 Prime Sponsor, Committee on Judiciary: Regarding retirement benefits. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Saling, Smith, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1990

HB 2288 Prime Sponsor, Representative H. Sommers: Regarding appropriations for public works projects. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1990

HB 2312 Prime Sponsor, Representative H. Sommers: Expanding the public funds investment account. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Johnson, Lee, Newhouse, Saling, Smith.

Passed to Committee on Rules for second reading.

February 26, 1990

HB 2362 Prime Sponsor, Representative R. King: Providing incentives for state agencies and institutions of higher education to participate in industrial insurance safety programs and return-to-work programs. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Saling, Smith, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1990

SHB 2378 Prime Sponsor, Committee on Capital Facilities and Financing: Changing the authority of educational service district boards with regard to the purchase and sale of property used for the operation of the educational service district. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Owen, Saling, Smith.

Passed to Committee on Rules for second reading.

February 26, 1990

SHB 2403 Prime Sponsor, Committee on State Government: Adding video telecommunication responsibilities to the department of information services. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended as recommended by Committee on Governmental Operations. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Newhouse, Niemi, Owen, Saling, Smith, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1990

EHB 2413 Prime Sponsor, Representative Wood: Including middle and junior high school students in the mathematics, engineering, and science achievement program. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Lee, Moore, Newhouse, Niemi, Owen, Saling, Smith, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1990

2SHB 2443 Prime Sponsor, Committee on Appropriations: Establishing the Warren G. Magnuson Institute for biomedical research and health professions training. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Cantu, Fleming, Gaspard, Lee, Niemi, Saling, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1990

SHB 2476 Prime Sponsor, Committee on Capital Facilities and Financing: Establishing a formula for allocating the indebtedness incurred by certain lessees. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Matson, Newhouse, Niemi, Owen, Saling, Smith, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1990

E2SHB 2494 Prime Sponsor, Committee on Appropriations: Changing provisions relating to oil and hazardous substance spills. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Johnson, Lee, Moore, Newhouse, Niemi, Smith, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1990

EHB 2567 Prime Sponsor, Representative Todd: Changing provisions relating to state employment. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Johnson, Lee, Matson, Newhouse, Saling, Smith.

Passed to Committee on Rules for second reading.

February 26, 1990

ESHB 2593 Prime Sponsor, Committee on Environmental Affairs: Modifying requirements for registration of pesticides. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Fleming, Gaspard, Johnson, Lee, Niemi, Saling, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1990

EHB 2602 Prime Sponsor, Representative Hine: Changing provisions relating to support services for adoptions. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Amondson, Bailey, Bluechel, Cantu, Fleming, Gaspard, Johnson, Lee, Niemi, Saling, Smith, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1990

ESHB 2603 Prime Sponsor, Committee on Health Care: Enhancing availability of medical care for children. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended as recommended by the Committee on Health and Long-Term Care. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1990

ESHB 2653 Prime Sponsor, Committee on Appropriations: Requiring the superintendent of public instruction and the Henry M. Jackson school of International studies to provide services to develop international education. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Lee, Niemi, Saling, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1990

HB 2707 Prime Sponsor, Representative H. Sommers: Changing provisions relating to school district indebtedness. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended as recommended by Committee on Education. Signed by Senators McDonald, Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Johnson, Lee, Owen, Saling, Smith, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1990

HB 2775 Prime Sponsor, Representative McLean: Prohibiting the use of voting machines that do not record votes on separate ballots. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Owen, Saling, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1990

HB 2802 Prime Sponsor, Representative Todd: Enlarging the department of general administration transportation management authority. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Gaspard, Hayner, Lee, Moore, Newhouse, Niemi, Owen, Smith, Williams, Wojahn

Passed to Committee on Rules for second reading.

February 26, 1990

ESHB 2831 Prime Sponsor, Committee on Higher Education: Establishing the American Indian endowed scholarship program. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Saling, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1990

HB 2901 Prime Sponsor, Representative Dellwo: Modifying the statutes pertaining to the Washington life and disability insurance guaranty association. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended as recommended by Committee on Financial Institutions and Insurance. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Saling, Smith, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1990

ESHB 2906 Prime Sponsor, Committee on Housing: Providing for the clean-up or elimination of contaminated properties. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Newhouse, Niemi, Saling, Smith, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1990

ESHB 2907 Prime Sponsor, Committee on Housing: Concerning mobile home relocation. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended as recommended by Committee on Economic Development and Labor. Signed by Senators McDonald, Chairman; Craswell, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Johnson, Lee, Moore, Niemi, Saling, Smith, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1990

EHB 2939 Prime Sponsor, Representative Braddock: Removing population limits at certain correctional institutions. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Matson, Newhouse, Niemi, Saling, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1990

2SHB 2986 Prime Sponsor, Committee on Appropriations: Making technical corrections to the alcohol and controlled substances abuse act. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Cantu, Gaspard, Hayner, Johnson, Matson, Moore, Newhouse, Niemi, Owen, Saling, Smith, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1990

SHB 2996 Prime Sponsor, Committee on Revenue: Modifying property tax exemptions for leased homeless shelters. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu,

Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Owen, Saling, Smith, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1990

SHB 2999 Prime Sponsor, Committee on Higher Education: Revising provisions for compensation for community college officers and employees. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Niemi, Saling, Smith, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

MOTION

At 7:25 p.m., on motion of Senator Wojahn, the Senate adjourned until 9:00 a.m., Tuesday, February 27, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FIFTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 27, 1990

The Senate was called to order at 9:00 a.m. by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator Fleming.

The Sergeant at Arms Color Guard, consisting of Pages Erika Bandrevics and Josh Lewis, presented the Colors. Reverend Gary Fogelquist, pastor of the Lacey Seventh-Day Adventist Church, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

February 26, 1990

Mr. President:

The Speaker has signed SECOND SUBSTITUTE SENATE BILL NO. 6259, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 26, 1990

Mr. President:

The House has passed:

SENATE BILL NO. 6267,

SENATE BILL NO. 6510,

SENATE BILL NO. 6514,

SENATE BILL NO. 6558,

SUBSTITUTE SENATE BILL NO. 6572,

SENATE BILL NO. 6576,

SENATE BILL NO. 6640,

SENATE JOINT MEMORIAL NO. 8018, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 6267,

SENATE BILL NO. 6510,

SENATE BILL NO. 6514,

SENATE BILL NO. 6558,

SUBSTITUTE SENATE BILL NO. 6572,

SENATE BILL NO. 6576,

SENATE BILL NO. 6640,

SENATE JOINT MEMORIAL NO. 8018.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9169, Andrew S. Hess, as a member of the Higher Education Coordinating Board, was confirmed.

APPOINTMENT OF ANDREW S. HESS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen,

Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Absent: Senator Fleming - 1.

MOTION

On motion of Senator Saling, gubernatorial appointment No. 9172, Mary C. James, as a member of the Higher Education Coordinating Board, was confirmed.

APPOINTMENT OF MARY C. JAMES

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Absent: Senator Fleming - 1.

MOTIONS

On motion of Senator Warnke, Senator Fleming was excused.

On motion of Senator Anderson, Senator Matson was excused.

SECOND READING

HOUSE BILL NO. 2294, by Representatives R. King, Bowman, Haugen, Morris, Brumsickle, Sayan, Spanel, Basich, Brooks, Smith, S. Wilson and Youngsman (by request of Department of Fisheries)

Removing restrictions on the sale of salmon taken in test fishing operations.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, House Bill No. 2294 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2294.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2294 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Fleming, Matson - 2.

HOUSE BILL NO. 2294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2330, by Representatives Haugen, Ferguson, Cooper, Wang, Raiter, Horn, Zellinsky, Jones, Brumsickle, Basich, Kremen, McLean, Todd, Nealey, Ballard, Morris and Kirby

Modifying levy rate provisions for senior and junior taxing districts.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, House Bill No. 2330 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2330.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2330 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Owen - 1.

Excused: Senators Fleming, Matson - 2.

HOUSE BILL NO. 2330, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Craswell assumed the Chair.

SECOND READING

ENGROSSED HOUSE BILL NO. 2335, by Representatives Silver, R. Fisher, Prince, Anderson, McLean, Pruitt, Smith, Hankins, Rector, Jacobsen, Winsley, Schoon, Wolfe, Fraser and Kirby

Regulating preservation of historical and abandoned cemeteries.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, Engrossed House Bill No. 2335 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2335.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2335 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Fleming, Matson - 2.

ENGROSSED HOUSE BILL NO. 2335, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2956, by Committee on Energy and Utilities (originally sponsored by Representatives Nelson, Miller, Jesernig, Sprengle, May, Grant, Cooper, Hankins, Dellwo, Baugher, R. Meyers, Rust, Brooks, Holland, Appelwick, Moyer, Ballard, Prince, Bennett, Dorn, Jacobsen, Valle, Crane, Brumsickle, Ebersole, Fuhrman, Van Luven, Horn, Rector and Silver) (by request of Office of Financial Management)

Revising provisions for the management of low-level radioactive waste.

The bill was read the second time.

MOTION

On motion of Senator Benitz, Substitute House Bill No. 2956 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2956.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2956 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Melcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Vognil - 1.

Excused: Senators Fleming, Matson - 2.

SUBSTITUTE HOUSE BILL NO. 2956, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2888, by Representatives Appelwick, R. Meyers, Dorn, McLean, May and Wood

Establishing a new child support schedule.

The bill was read the second time.

MOTIONS

Senator Nelson moved that the following Committee on Law and Justice amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 10, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 7, chapter 375, Laws of 1989 and RCW 26.09.100 are each amended to read as follows:

In a proceeding for dissolution of marriage, legal separation, declaration of invalidity, maintenance, or child support, after considering all relevant factors but without regard to marital misconduct, the court ~~((may))~~ shall order either or both parents owing a duty of support to any child of the marriage dependent upon either or both spouses to pay an amount determined ~~((pursuant to the schedule adopted))~~ under chapter 26.19 RCW ~~((26.19.040. The court may require periodic adjustments of support)).~~

Sec. 2. Section 17, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 416, Laws of 1989 and RCW 26.09.170 are each amended to read as follows:

(1) Except as otherwise provided in subsection (7) of RCW 26.09.070, the provisions of any decree respecting maintenance or support may be modified only as to installments accruing subsequent to the motion for modification and, except as otherwise provided in subsection (4) or (5) of this section, only upon a showing of a substantial change of circumstances. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state.

(2) Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

(3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the parent obligated to support the child.

(4) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child;

(b) If a party requests an adjustment in an order for child support which was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based; or

(c) If a child is still in high school, upon a finding that there is a need to extend support beyond the eighteenth birthday to complete high school~~((or~~

~~((d) To add an automatic adjustment of support provision consistent with RCW 26.09.100)).~~

(5) An order or decree entered prior to June 7, 1984, may be modified without showing a substantial change of circumstances if the requested modification is to:

(a) Require health insurance coverage for a child named therein; or

(b) Modify an existing order for health insurance coverage.

(6) An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

(7) The department of social and health services may file an action to modify an order of child support if public assistance money is being paid to or for the benefit of the child and the child support order is twenty-five percent or more below the appropriate child support amount set forth in the adopted child support schedule and reasons for the deviation are not set forth in the findings of fact or order. The determination of twenty-five percent or more shall be based on the current income of the parties and the department shall not be required to show a substantial change of circumstances if the reasons for the deviations were not set forth in the findings of fact or order.

Sec. 3. Section 2, chapter 430, Laws of 1987 and RCW 26.09.175 are each amended to read as follows:

(1) A proceeding for the modification of an order of child support shall commence with the filing of a petition and ~~((a supporting financial affidavit))~~ worksheets. The petition and affidavit shall be in substantially the form prescribed by the administrator for the courts. There shall be a fee of twenty dollars for the filing of a petition for modification of dissolution.

(2) The petitioner shall serve upon the other party the summons, a copy of the petition and affidavit, and a blank copy of ~~((a financial affidavit))~~ the worksheets in the form prescribed by the administrator for the courts. If the modification proceeding is the first action filed in this state, service shall be made by personal service. If the decree to be modified was entered in this state, service shall be by personal service or by any form of mail requiring a return receipt. If the support obligation has been assigned to the state pursuant to RCW 74.20.330 and notice has been filed with the court, the summons, petition, and ~~((affidavit))~~ worksheets shall also be served on the ~~((office of support enforcement))~~ attorney general. Proof of service shall be filed with the court.

(3) The responding party's answer and completed ~~((financial affidavit))~~ worksheets shall be served and the answer filed within twenty days after service of the petition or sixty days if served out of state. The responding party's failure to file an answer within the time required shall result in entry of a default judgment for the petitioner.

(4) At any time after responsive pleadings are filed, either party may schedule the matter for hearing.

(5) Unless both parties stipulate to arbitration or the presiding judge authorizes oral testimony pursuant to subsection (6) of this section, a petition for modification of an order of child support shall be heard by the court on affidavits only.

(6) A party seeking authority to present oral testimony on the petition to modify a support order shall file an appropriate motion not later than ten days after the time of notice of hearing. Affidavits and exhibits setting forth the reasons oral testimony is necessary to a just adjudication of the issues shall accompany the petition. The affidavits and exhibits must demonstrate the extraordinary features of the case. Factors which may be considered include, but are not limited to: (a) Substantial questions of credibility on a major issue; (b) insufficient or inconsistent discovery materials not correctable by further discovery; or (c) particularly complex circumstances requiring expert testimony.

(7) The administrator for the courts shall develop and prepare, in consultation with interested persons, model forms or notices for the use of the procedure provided by this section, including a notice advising of the right of a party to proceed with or without benefit of counsel.

Sec. 4. Section 2, chapter 275, Laws of 1988 and RCW 26.19.010 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Child support schedule" means the standards and economic table ~~((adopted by the commission))~~ provided in this chapter;

(2) "Standards" means the standards for determination of child support ~~((which have been adopted by the commission, as modified by the legislature))~~ provided in this chapter;

(3) "Economic table" means the child support table for the basic support obligation ~~((which has been adopted by the commission))~~ provided in section 11 of this act;

(4) "Worksheets" means the forms ~~((adopted by the commission))~~ developed by the administrator for the courts for use in determining the amount of child support;

(5) "Instructions" means the instructions ~~((adopted by the commission))~~ developed by the administrator for the courts for use in completing the worksheets;

(6) ~~(("Commission" means the Washington state child support schedule commission established by RCW 26.19.036; and~~

(7)) "Standard calculation" means the amount of child support which is owed as determined from the worksheets before any deviation is considered; and

(7) "Transfer payment" means the amount one parent is obligated to pay to the other parent after determination of the basic support obligation, the amounts owed for day care, health care, long distance transportation, and special child rearing expenses.

Sec. 5. Section 6, chapter 275, Laws of 1988 and RCW 26.19.050 are each amended to read as follows:

(1) The ~~((commission))~~ administrator for the courts shall develop and adopt worksheets and instructions to assist the parties and courts in establishing the appropriate child support level and apportionment of support. The ~~((commission))~~ administrator for the courts shall attempt to the greatest extent possible to make the worksheets and instructions understandable by persons who are not represented by legal counsel.

(2) The administrator for the courts ~~(-in consultation with the commission;)~~ shall develop and adopt standards for the printing of worksheets and shall establish a process for certifying printed worksheets. ~~((The administrator shall not alter the design approved by the commission;))~~ The administrator may maintain a register of sources for approved worksheets.

NEW SECTION, Sec. 6. A new section is added to chapter 26.19 RCW to read as follows:

(1) In any proceeding under this title or Title 13 or 74 RCW in which child support is at issue, support shall be determined and ordered according to the standards and economic table provided in this chapter.

(2) An order for child support shall be supported by written findings of fact upon which the support determination is based and shall include reasons for deviation from the standard calculation.

(3) All income and resources of each parent's household shall be disclosed and shall be considered by the court or the presiding or reviewing officer when the child support obligation of each parent is determined. Tax returns for the preceding three years and current paystubs shall be provided to verify income and deductions. Other sufficient verification shall be required for income and deductions which do not appear on tax returns or paystubs.

(4) Worksheets in the form developed by the administrator for the courts shall be completed under penalty of perjury and filed in every proceeding in which child support is determined. Variations of the worksheets shall not be accepted.

(5) Unless specific reasons for deviation are set forth in the written findings of fact or order and are supported by the evidence, the court or the presiding or reviewing officer shall order each parent to pay the amount of child support determined using the standard calculation.

(6) The court or the presiding or reviewing officer shall review the worksheets and the order for adequacy of the reasons set forth for any deviation and for the adequacy of the amount of support ordered. Each order shall state the amount of child support calculated using the standard calculation and the amount of child support actually ordered. The worksheet on which the order is based shall be initialed or signed by the judge and filed with the order.

NEW SECTION, Sec. 7. A new section is added to chapter 26.19 RCW to read as follows:

(1) The basic child support obligation derived from the economic table shall be allocated between the parents based on each parent's share of the total family net income.

(2) Ordinary health care expenses are included in the economic table. Extraordinary expenses shall be shared by the parents in the same proportion as the basic child support obligation.

(3) Day care and special child rearing expenses such as tuition and long-distance transportation costs are not included in the economic table. These expenses shall be shared by the parents in the same proportion as the basic child support obligation and shall be listed as a specific dollar amount.

(4) The court may exercise its discretion to determine the reasonableness and necessity of extraordinary and special expenses.

NEW SECTION, Sec. 8. (1) Monthly gross income for child support purposes shall include income from any source, including: Salaries, wages, commissions, deferred compensation, bonuses, mandatory overtime, dividends, interest, trust income, severance pay, annuities, capital gains, social security benefits, workers' compensation, unemployment benefits, disability insurance benefits, spousal maintenance that is actually received, gifts, and prizes.

(2) Aid to families with dependent children, supplemental security income, general assistance, veterans aid and attendance allowance, and food stamps shall be disclosed but shall not be included in gross income or be a reason to deviate from the standard calculation.

(3) Child support received from other relationships shall be disclosed and considered, but shall not be included in gross income. Income of a new spouse or income of other adults in the household shall not be considered in determining the standard calculation.

(4) Allowable deductions from gross income are: Federal and state income taxes, federal insurance contributions act deductions, mandatory pension plan payments, mandatory union or professional dues, and overtime pay above an average of forty hours per week on a monthly basis, income derived from a second job above forty total hours per week, nonrecurring bonuses, spousal maintenance which is actually paid, voluntary pension payments actually made by self-employed persons who do not have a mandatory pension plan up to two thousand dollars per year, and payments of child support involving other relationships. All items excluded from income shall be disclosed in the worksheet.

(5) Self-employed persons may deduct normal business expenses and self-employment taxes. Justification shall be required for any business expense deduction about which there is disagreement.

(6) The court will impute income to the parent when the parent is voluntarily underemployed or voluntarily unemployed. The court will determine whether the person is underemployed or voluntarily unemployed based upon that parent's work history. A parent will not be deemed underemployed as long as that parent is gainfully employed on a full-time basis. Income shall not be imputed for an unemployable parent.

(7)(a) The court or the presiding or reviewing officer shall consider deviating from the standard calculation when the parties have children from other relationships. The court shall consider all the circumstances of both households and may use the blended family formula approach as recommended by the commission in its report dated December 1989.

(b) The court or the presiding or reviewing officer shall consider deviating from the standard calculation if the child spends a significant amount of time with the parent who is obligated to pay child support. The court shall not use this subsection to restrict either parent's contact or visitation with the child or children.

(c) Deviation may also be made pursuant to subsection (8) of this section.

(8) Additional reasons that may support a deviation from the standard calculation include: Possession of wealth, resources excluded from income except those resources listed in subsection (2) of this section, shared living arrangements, extraordinary debts that have not been voluntarily incurred, extraordinarily high income of a child, a significant disparity of the living costs of the parents due to conditions beyond their control, and special needs of disabled children. A deviation may be supported by tax planning considerations only if the child would not receive a lesser economic benefit.

(9) Agreement of the parties is not by itself adequate reason for deviation.

(10) Neither parent's child support obligation shall exceed fifty percent of net earnings unless good cause is shown. Good cause could include possession of substantial wealth, children with day care expenses, special medical, educational, or psychological needs, and larger families.

NEW SECTION. Sec. 9. A new section is added to chapter 26.19 RCW to read as follows:

The child support schedule shall be advisory and not mandatory for children who have attained the age of eighteen, have completed their secondary education, and who seek postsecondary education. When considering whether to order child support for children over age eighteen who have completed their secondary education and who seek postsecondary education, the court shall determine whether the child is in fact dependent and is relying upon the parents for the reasonable necessities of life. The court shall exercise its discretion when determining whether and for how long to award postsecondary educational support based upon consideration of factors that include but are not limited to the following: Age of the child; the child's needs; the expectations of the parties for their children when the parents were together; the child's prospects, desires, aptitudes, abilities, disabilities; the nature of the postsecondary education sought; and the parents' level of education, standard of living, and current and future resources. Also to be considered is the amount and type of support that the child would have been afforded if the parents had stayed together. The child must be enrolled in school, actively pursuing a course of study, and in good academic standing as defined by the institution or the court-ordered postsecondary educational support may be automatically suspended during the period or periods the child fails to comply with these conditions. The court in its discretion may order that the payment be made directly to the parent who has been receiving the transfer payments, the educational institution if feasible, or directly to the child. The court shall not order the payment of postsecondary educational expenses beyond the age of twenty-three, except for exceptional circumstances, such as mental, physical, or emotional disabilities.

NEW SECTION. Sec. 10. A new section is added to chapter 26.19 RCW to read as follows:

The parties may agree which parent is entitled to claim the child or children as dependents for federal income tax exemptions. The court may award the exemption or exemptions and order a party to sign the federal income tax dependency exemption waiver. The court may divide the exemptions between the parties, alternate the exemptions between the parties, or both.

NEW SECTION. Sec. 11. A new section is added to chapter 26.19 RCW to read as follows:

The standard calculation shall be based upon the combined net income of the parties and determined according to the following economic table:

ECONOMIC TABLE
MONTHLY BASIC SUPPORT OBLIGATION PER CHILD
KEY: A = AGE 0-11 B = AGE 12-18

COMBINED
MONTHLY
NET
INCOME

ONE
CHILD
FAMILY

TWO
CHILDREN
FAMILY

| | A | B | A | B |
|------|--|-----|-----|-----|
| 0 | | | | |
| 100 | | | | |
| 200 | | | | |
| 300 | | | | |
| 400 | | | | |
| 500 | | | | |
| | For income less than \$600 the obligation is based upon the resources and living expenses of each household. Minimum support shall not be less than \$25 per child per month. | | | |
| 600 | 133 | 164 | 103 | 127 |
| 700 | 155 | 191 | 120 | 148 |
| 800 | 177 | 218 | 137 | 170 |
| 900 | 199 | 246 | 154 | 191 |
| 1000 | 220 | 272 | 171 | 211 |
| 1100 | 242 | 299 | 188 | 232 |
| 1200 | 264 | 326 | 205 | 253 |
| 1300 | 285 | 352 | 221 | 274 |
| 1400 | 307 | 379 | 238 | 294 |
| 1500 | 327 | 404 | 254 | 313 |
| 1600 | 347 | 428 | 269 | 333 |
| 1700 | 367 | 453 | 285 | 352 |
| 1800 | 387 | 478 | 300 | 371 |
| 1900 | 407 | 503 | 316 | 390 |
| 2000 | 427 | 527 | 331 | 409 |
| 2100 | 447 | 552 | 347 | 429 |
| 2200 | 467 | 577 | 362 | 448 |
| 2300 | 487 | 601 | 378 | 467 |
| 2400 | 506 | 626 | 393 | 486 |
| 2500 | 526 | 650 | 408 | 505 |
| 2600 | 534 | 661 | 416 | 513 |
| 2700 | 542 | 670 | 421 | 520 |
| 2800 | 549 | 679 | 427 | 527 |
| 2900 | 556 | 686 | 431 | 533 |
| 3000 | 561 | 693 | 436 | 538 |
| 3100 | 566 | 699 | 439 | 543 |
| 3200 | 569 | 704 | 442 | 546 |
| 3300 | 573 | 708 | 445 | 549 |
| 3400 | 574 | 710 | 446 | 551 |
| 3500 | 575 | 711 | 447 | 552 |
| 3600 | 577 | 712 | 448 | 553 |
| 3700 | 578 | 713 | 449 | 554 |
| 3800 | 581 | 719 | 452 | 558 |
| 3900 | 596 | 736 | 463 | 572 |
| 4000 | 609 | 753 | 473 | 584 |
| 4100 | 623 | 770 | 484 | 599 |
| 4200 | 638 | 788 | 495 | 611 |
| 4300 | 651 | 805 | 506 | 625 |
| 4400 | 664 | 821 | 516 | 637 |
| 4500 | 677 | 836 | 525 | 649 |
| 4600 | 689 | 851 | 535 | 661 |
| 4700 | 701 | 856 | 545 | 673 |
| 4800 | 713 | 882 | 554 | 685 |
| 4900 | 726 | 897 | 564 | 697 |
| 5000 | 738 | 912 | 574 | 708 |

| COMBINED MONTHLY NET INCOME | THREE CHILDREN FAMILY | | FOUR CHILDREN FAMILY | | FIVE CHILDREN FAMILY | |
|--------------------------------------|--|---|----------------------------|---|----------------------------|---|
| | A | B | A | B | A | B |
| 0 | | | | | | |
| 100 | | | | | | |
| 200 | | | | | | |
| 300 | | | | | | |
| 400 | | | | | | |
| | For income less than \$600 the obligation is based upon the resources and living expenses | | | | | |

| 500 | of each household. Minimum support shall not be less than \$25 per child per month. | | | | | |
|------|---|-----|-----|-----|-----|-----|
| 600 | 86 | 106 | 73 | 90 | 63 | 79 |
| 700 | 100 | 124 | 85 | 105 | 74 | 91 |
| 800 | 115 | 142 | 97 | 120 | 84 | 104 |
| 900 | 129 | 159 | 109 | 135 | 95 | 118 |
| 1000 | 143 | 177 | 121 | 149 | 105 | 130 |
| 1100 | 157 | 194 | 133 | 164 | 116 | 143 |
| 1200 | 171 | 211 | 144 | 179 | 126 | 156 |
| 1300 | 185 | 228 | 156 | 193 | 136 | 168 |
| 1400 | 199 | 246 | 168 | 208 | 147 | 181 |
| 1500 | 212 | 262 | 179 | 221 | 156 | 193 |
| 1600 | 225 | 278 | 190 | 235 | 166 | 205 |
| 1700 | 238 | 294 | 201 | 248 | 175 | 217 |
| 1800 | 251 | 310 | 212 | 262 | 185 | 228 |
| 1900 | 264 | 326 | 223 | 275 | 194 | 240 |
| 2000 | 277 | 342 | 234 | 289 | 204 | 252 |
| 2100 | 289 | 358 | 245 | 303 | 213 | 264 |
| 2200 | 302 | 374 | 256 | 316 | 223 | 276 |
| 2300 | 315 | 390 | 267 | 330 | 233 | 288 |
| 2400 | 328 | 406 | 278 | 343 | 242 | 299 |
| 2500 | 341 | 421 | 288 | 356 | 251 | 311 |
| 2600 | 346 | 428 | 293 | 362 | 256 | 316 |
| 2700 | 351 | 435 | 298 | 368 | 259 | 321 |
| 2800 | 356 | 440 | 301 | 372 | 262 | 324 |
| 2900 | 360 | 445 | 305 | 376 | 266 | 328 |
| 3000 | 364 | 449 | 308 | 380 | 268 | 331 |
| 3100 | 367 | 453 | 310 | 383 | 270 | 334 |
| 3200 | 369 | 457 | 312 | 386 | 272 | 336 |
| 3300 | 371 | 459 | 314 | 388 | 273 | 339 |
| 3400 | 372 | 460 | 315 | 389 | 274 | 340 |
| 3500 | 373 | 461 | 316 | 390 | 275 | 341 |
| 3600 | 374 | 462 | 317 | 391 | 276 | 342 |
| 3700 | 375 | 463 | 318 | 392 | 277 | 343 |
| 3800 | 377 | 466 | 319 | 394 | 278 | 344 |
| 3900 | 386 | 477 | 326 | 404 | 284 | 352 |
| 4000 | 395 | 488 | 334 | 413 | 291 | 360 |
| 4100 | 404 | 500 | 341 | 422 | 298 | 368 |
| 4200 | 413 | 511 | 350 | 431 | 305 | 377 |
| 4300 | 422 | 522 | 357 | 441 | 311 | 385 |
| 4400 | 431 | 532 | 364 | 449 | 317 | 392 |
| 4500 | 438 | 542 | 371 | 458 | 323 | 400 |
| 4600 | 446 | 552 | 377 | 467 | 329 | 407 |
| 4700 | 455 | 562 | 384 | 475 | 335 | 414 |
| 4800 | 463 | 572 | 391 | 483 | 341 | 422 |
| 4900 | 470 | 581 | 398 | 491 | 347 | 429 |
| 5000 | 479 | 592 | 404 | 500 | 353 | 437 |

When combined monthly income exceeds five thousand dollars per month, child support shall be determined by that amount from the table. The judge, in his or her discretion, may order an additional amount to be paid in cases with unusual or extraordinary circumstances.

NEW SECTION. Sec. 12. A new section is added to chapter 26.19 RCW to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, all child support decrees may be adjusted once every twenty-four months pursuant to this chapter based upon changes in the income of the parents without a showing of substantially changed circumstances as provided in RCW 26.09.170. Either party may initiate the modification pursuant to procedures of RCW 26.09.175.

(2) Parents whose decrees are entered before the effective date of this act may petition the court for a modification after twelve months has expired from the entry of the decree or the most recent modification setting child support. However, if a party is granted relief under this provision, twenty-four months must pass before another petition for modification may be filed pursuant to subsection (1) of this section.

(3) A party may petition for modification in cases of substantially changed circumstances, under RCW 26.09.170, at any time. However, if relief is granted under RCW 26.09.170, twenty-four months must pass before a petition for modification under subsection (1) of this section may be filed.

(4) If the court modifies a child support obligation by more than thirty percent, the court may stagger the change over a twelve-month period when the change would cause significant hardship.

(5) A parent who is receiving transfer payments who receives a wage or salary increase may not bring a modification action alleging that increase constitutes a substantial change of circumstances under RCW 26.09.170.

Sec. 13. Section 2407, Code of 1881 as amended by section 1, chapter 207, Laws of 1969 ex. sess. and RCW 26.16.205 are each amended to read as follows:

The expenses of the family and the education of the children, including stepchildren, are chargeable upon the property of both husband and wife, or either of them, and in relation thereto they may be sued jointly or separately; PROVIDED, That with regard to stepchildren, the obligation shall cease upon the ~~((termination of the relationship of husband and wife))~~ filing of either a petition for legal separation or a petition for dissolution or marriage.

Sec. 14. Section 4, chapter 260, Laws of 1984 and RCW 26.18.040 are each amended to read as follows:

- (1) A proceeding to enforce a duty of support is commenced:
 - (a) By filing a petition for an original action; or
 - (b) By motion in an existing action or under an existing cause number.

(2) Venue for the action is in the superior court of the county where the dependent child resides or is present, where the obligor resides, or where the prior support order was entered. The petition or motion may be filed by the obligee, the state, or any stepparent or agency providing care or support to the dependent child. A filing fee shall not be assessed in cases brought on behalf of the state of Washington.

(3) The court retains continuing jurisdiction under this chapter until all duties of support of the obligor, including arrearages, with respect to the dependent child have been satisfied.

Sec. 15. Section 2, chapter 164, Laws of 1971 ex. sess. as last amended by section 1, chapter 55, Laws of 1989 and by section 151, chapter 175, Laws of 1989 and RCW 74.20A.020 are each reenacted and amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter and chapter 74.20 RCW shall have the following meanings:

- (1) "Department" means the state department of social and health services.
- (2) "Secretary" means the secretary of the department of social and health services, his designee or authorized representative.
- (3) "Dependent child" means any person:
 - (a) Under the age of eighteen who is not self-supporting, married, or a member of the armed forces of the United States; or
 - (b) Over the age of eighteen for whom a court order for support exists.
- (4) "Support obligation" means the obligation to provide for the necessary care, support, and maintenance, including medical expenses, of a dependent child or other person as required by statutes and the common law of this or another state.
- (5) "Superior court order" means any judgment, decree, or order of the superior court of the state of Washington, or a court of comparable jurisdiction of another state, establishing the existence of a support obligation and ordering payment of a set or determinable amount of support moneys to satisfy the support obligation. For purposes of RCW 74.20A.055, orders for support which were entered under the uniform reciprocal enforcement of support act by a state where the responsible parent no longer resides shall not preclude the department from establishing an amount to be paid as current and future support.
- (6) "Administrative order" means any determination, finding, decree, or order for support pursuant to RCW 74.20A.055, or by an agency of another state pursuant to a substantially similar administrative process, establishing the existence of a support obligation and ordering the payment of a set or determinable amount of support moneys to satisfy the support obligation.
- (7) "Responsible parent" means a natural parent, adoptive parent, or stepparent of a dependent child or a person who has signed an affidavit acknowledging paternity which has been filed with the state office of vital statistics.
- (8) "Stepparent" means the present spouse of the person who is either the mother, father, or adoptive parent of a dependent child, and such status shall exist and continue as provided for in RCW 26.16.205 ~~((until the relationship is terminated by death or dissolution of marriage))~~.
- (9) "Support moneys" means any moneys or in-kind providings paid to satisfy a support obligation whether denominated as child support, spouse support, alimony, maintenance, or any other such moneys intended to satisfy an obligation for support of any person or satisfaction in whole or in part of arrears or delinquency on such an obligation.
- (10) "Support debt" means any delinquent amount of support moneys which is due, owing, and unpaid under a superior court order or an administrative order, a debt for the payment of expenses for the reasonable or necessary care, support, and maintenance, including medical expenses, of a dependent child or other person for whom a support obligation is owed; or a debt under RCW 74.20A.100 or 74.20A.270. Support debt also includes any accrued interest, fees, or penalties charged on a support debt, and attorneys fees and other costs of litigation awarded in an action to establish and enforce a support obligation or debt.
- (11) "State" means any state or political subdivision, territory, or possession of the United States, the District of Columbia, and the commonwealth of Puerto Rico.

Sec. 16. Section 24, chapter 460, Laws of 1987 as amended by section 18, chapter 375, Laws of 1989 and RCW 26.09.909 are each amended to read as follows:

(1) Decrees under this chapter involving child custody, visitation, or child support entered in actions commenced prior to January 1, 1988, shall be deemed to be parenting plans for purposes of this chapter.

(2) The enactment of the 1987 revisions to this chapter does not constitute substantially changed circumstances for the purposes of modifying decrees entered under this chapter in actions commenced prior to January 1, 1988, involving child custody, visitation, or child support. ~~(An)~~ Any action to modify any decree involving child custody, visitation, child support, or a parenting plan ~~((which was commenced after December 31, 1987;))~~ shall be governed by the ~~((1987 revisions to))~~ provisions of this chapter.

(3) Actions brought for clarification or interpretation of decrees entered under this chapter in actions commenced prior to January 1, 1988, shall be determined under the law in effect immediately prior to January 1, 1988.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 275, Laws of 1988, section 76, chapter 175, Laws of 1989 and RCW 26.19.020;

(2) Section 1, chapter 440, Laws of 1987, section 4, chapter 275, Laws of 1988, section 41, chapter 360, Laws of 1989 and RCW 26.19.030;

(3) Section 2, chapter 440, Laws of 1987, section 5, chapter 275, Laws of 1988 and RCW 26.19.040; and

(4) Section 7, chapter 275, Laws of 1988 and RCW 26.19.060.

NEW SECTION. Sec. 18. This act shall take effect July 1, 1990.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Talmadge moved that the following amendments to the committee amendment be considered simultaneously and be adopted:

On page 5, beginning on line 25 of the amendment, after "Sec. 6." strike everything through "order." on page 6, line 21 and insert "Section 3, chapter 275, Laws of 1988 as amended by section 76, chapter 175, Laws of 1989 and RCW 26.19.020 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, in any proceeding under this title or Title 13 or 74 RCW in which child support is at issue, support shall be determined and ordered according to the child support schedule ~~((adopted pursuant to RCW 26.19.040))~~ provided in section 11 of this act.

(b) If approved by a majority vote of the superior court judges of a county, the superior court may adopt by local court rule an economic table that shall be used by the superior court of that county, instead of the economic table adopted by the commission, to determine the appropriate amount of child support. The economic table adopted by the superior court shall not vary by more than twenty-five percent from the economic table adopted by the commission and shall not vary the economic table for combined monthly net income of two thousand five hundred dollars or less.

(2) An order for child support shall be supported by written findings of fact upon which the support determination is based.

(3) All income and resources of each parent's household shall be disclosed ~~((and shall be considered by the court or the presiding or reviewing officer when the child support obligation of each parent is determined)).~~ Tax returns for the preceding three years and current paystubs shall be provided to verify income and deductions. Other sufficient verification shall be required for income and deductions which do not appear on tax returns or paystubs. Income of a new spouse or income of other adults in the household shall not be considered in determining the standard calculation.

(4) Worksheets in the form approved by the ~~((commission))~~ administrator for the courts shall be completed and filed in every proceeding in which child support is determined. Variations of the worksheets shall not be accepted.

(5) Unless specific reasons for deviation are set forth in the written findings of fact or order and are supported by the evidence, the court or the presiding or reviewing officer shall order each parent to pay the amount of child support determined using the standard calculation.

(6) The court or the presiding or reviewing officer shall review the worksheets and the order for adequacy of the reasons set forth for any deviation and for the adequacy of the amount of support ordered. Each order shall state the amount of child support calculated using the standard calculation and the amount of child support actually ordered. The worksheet on which the order is based shall be initialed or signed by the judge and filed with the order.

(7) Reasons that may support a deviation from the standard calculation include: Possession of wealth, shared living arrangements, extraordinary debts that have not been voluntarily incurred, extraordinarily high income of a child, a significant disparity of the living costs of the parents due to conditions beyond their control, and special needs of disabled children. A deviation may be supported by tax planning considerations only if the child would not receive

a lesser economic benefit. Agreement of the parties, by itself, is not adequate reason for deviation."

On page 7, beginning on line 1 of the amendment, after "Sec. 8." strike everything through "families." on page 8, line 30 and insert "A new section is added to chapter 26.19 RCW to read as follows:

(1) Monthly gross income for child support purposes shall include income from any source, including: Salaries, wages, commissions, deferred compensation, bonuses, overtime, dividends, interest, trust income, severance pay, annuities, capital gains, social security benefits, workers' compensation, unemployment benefits, disability insurance benefits, gifts, and prizes.

(2) Aid to families with dependent children, supplemental security income, general assistance, and food stamps shall be disclosed but shall not be included in gross income or be a reason to deviate from the standard calculation.

(3) Maintenance and child support received from other relationships shall be disclosed and considered for purposes of deviation, but shall not be included as a deduction from gross income. Income of a new spouse or income of other adults in the household shall not be considered in determining the standard calculation.

(4) Allowable deductions from gross income are: Federal and state income taxes, federal insurance contributions act deductions, mandatory pension plan payments, and mandatory union or professional dues. All items excluded from income shall be disclosed in the worksheet.

(5) Nonrecurring overtime and nonrecurring bonuses may be allowed as a deduction from gross income in the discretion of the court.

(6) Self-employed persons may deduct normal business expenses and self-employment taxes. Justification shall be required for any business expense deduction about which there is disagreement.

(7) The court will impute income to the parent when the parent is voluntarily underemployed or voluntarily unemployed. The court will determine whether the person is underemployed or voluntarily unemployed based upon that parent's work history. A parent will not be deemed underemployed as long as that parent is gainfully employed on a full-time basis. Income shall not be imputed for an unemployable parent.

(8) The court or the presiding or reviewing officer shall consider deviating from the standard calculation when the parties have children from other relationships. The court shall consider all the circumstances of both households and may use the blended family formula approach as recommended by the commission in its report dated December 1989.

(9) Neither parent's child support obligation shall exceed fifty percent of net earnings unless good cause is shown. Good cause could include possession of substantial wealth, children with day care expenses, special medical, educational, or psychological needs, and larger families."

On page 8, after line 32 of the amendment, strike everything through "disabilities." on page 9, line 25 and insert the following:

"Basic child support shall be allocated between the parents when a child stays overnight with the parent over twenty-five percent of the year. When this adjustment is sought, and the parents are not in agreement, the parent seeking the adjustment shall provide evidence to demonstrate the parents' actual past involvement with the child. However, the support payment should not be reduced if there will be insufficient funds available to meet the basic needs of the child in the house receiving the support, or if the child is receiving aid to families with dependent children payments."

On page 10, after line 3 of the amendment, strike everything through "circumstances." on page 12, line 2 and insert the following:

"ECONOMIC TABLE
MONTHLY BASIC SUPPORT OBLIGATION PER CHILD
KEY: A = AGE 0-11 B = AGE 12-18

COMBINED
MONTHLY
NET
INCOME

ONE
CHILD
FAMILY

TWO
CHILDREN
FAMILY

A

B

A

B

0

100

200

300

400

500

600

700

800

When combined monthly net income is less than \$600, a support order not less than \$25 per month per child shall be entered.

133

164

103

127

155

191

120

148

177

218

137

170

| | | | | |
|------|------|------|------|------|
| 900 | 199 | 246 | 154 | 191 |
| 1000 | 220 | 272 | 171 | 211 |
| 1100 | 242 | 299 | 188 | 232 |
| 1200 | 264 | 326 | 205 | 253 |
| 1300 | 285 | 352 | 221 | 274 |
| 1400 | 307 | 379 | 238 | 294 |
| 1500 | 327 | 404 | 254 | 313 |
| 1600 | 347 | 428 | 269 | 333 |
| 1700 | 367 | 453 | 285 | 352 |
| 1800 | 387 | 478 | 300 | 371 |
| 1900 | 407 | 503 | 316 | 390 |
| 2000 | 427 | 527 | 331 | 409 |
| 2100 | 447 | 552 | 347 | 429 |
| 2200 | 467 | 577 | 362 | 448 |
| 2300 | 487 | 601 | 378 | 467 |
| 2400 | 506 | 626 | 393 | 486 |
| 2500 | 526 | 650 | 408 | 505 |
| 2600 | 545 | 674 | 424 | 523 |
| 2700 | 565 | 698 | 439 | 542 |
| 2800 | 584 | 722 | 454 | 561 |
| 2900 | 604 | 746 | 469 | 579 |
| 3000 | 623 | 770 | 484 | 598 |
| 3100 | 643 | 794 | 499 | 617 |
| 3200 | 662 | 819 | 514 | 635 |
| 3300 | 682 | 843 | 530 | 654 |
| 3400 | 701 | 866 | 544 | 672 |
| 3500 | 719 | 889 | 559 | 690 |
| 3600 | 735 | 912 | 573 | 708 |
| 3700 | 757 | 935 | 588 | 726 |
| 3800 | 775 | 958 | 602 | 744 |
| 3900 | 794 | 981 | 617 | 762 |
| 4000 | 812 | 1004 | 631 | 779 |
| 4100 | 831 | 1027 | 645 | 797 |
| 4200 | 850 | 1050 | 660 | 815 |
| 4300 | 868 | 1073 | 674 | 833 |
| 4400 | 885 | 1094 | 688 | 849 |
| 4500 | 902 | 1114 | 700 | 865 |
| 4600 | 918 | 1135 | 713 | 881 |
| 4700 | 935 | 1155 | 726 | 897 |
| 4800 | 951 | 1176 | 739 | 913 |
| 4900 | 968 | 1196 | 752 | 929 |
| 5000 | 984 | 1216 | 765 | 944 |
| 5100 | 1001 | 1237 | 778 | 960 |
| 5200 | 1017 | 1257 | 790 | 976 |
| 5300 | 1034 | 1278 | 803 | 992 |
| 5400 | 1050 | 1298 | 816 | 1008 |
| 5500 | 1067 | 1318 | 829 | 1024 |
| 5600 | 1083 | 1339 | 842 | 1039 |
| 5700 | 1100 | 1359 | 855 | 1055 |
| 5800 | 1116 | 1380 | 867 | 1071 |
| 5900 | 1133 | 1400 | 880 | 1087 |
| 6000 | 1149 | 1420 | 893 | 1103 |
| 6100 | 1166 | 1441 | 906 | 1119 |
| 6200 | 1182 | 1461 | 919 | 1135 |
| 6300 | 1199 | 1482 | 932 | 1150 |
| 6400 | 1215 | 1502 | 945 | 1166 |
| 6500 | 1232 | 1522 | 957 | 1182 |
| 6600 | 1248 | 1543 | 970 | 1198 |
| 6700 | 1265 | 1563 | 983 | 1214 |
| 6800 | 1281 | 1584 | 996 | 1230 |
| 6900 | 1298 | 1604 | 1009 | 1246 |
| 7000 | 1314 | 1624 | 1022 | 1261 |

7000+

When combined monthly net income exceeds \$7000, child support shall be determined by that amount from the table, together with an additional amount to be determined on an individual basis.

| COMBINED MONTHLY NET INCOME | THREE CHILDREN FAMILY | | FOUR CHILDREN FAMILY | | FIVE CHILDREN FAMILY | |
|--------------------------------------|--|-----|----------------------------|-----|----------------------------|-----|
| | A | B | A | B | A | B |
| 0 | | | | | | |
| 100 | | | | | | |
| 200 | | | | | | |
| 300 | When combined monthly net income is less | | | | | |
| 400 | than \$600, a support order not less than \$25 per | | | | | |
| 500 | month per child shall be entered. | | | | | |
| 600 | 86 | 106 | 73 | 90 | 63 | 78 |
| 700 | 100 | 124 | 85 | 105 | 74 | 91 |
| 800 | 115 | 142 | 97 | 120 | 84 | 104 |
| 900 | 129 | 159 | 109 | 135 | 95 | 118 |
| 1000 | 143 | 177 | 121 | 149 | 105 | 130 |
| 1100 | 157 | 194 | 133 | 164 | 116 | 143 |
| 1200 | 171 | 211 | 144 | 179 | 126 | 156 |
| 1300 | 185 | 228 | 156 | 193 | 136 | 168 |
| 1400 | 199 | 246 | 168 | 208 | 147 | 181 |
| 1500 | 212 | 262 | 179 | 221 | 156 | 193 |
| 1600 | 225 | 278 | 190 | 235 | 166 | 205 |
| 1700 | 238 | 294 | 201 | 248 | 175 | 217 |
| 1800 | 251 | 310 | 212 | 262 | 185 | 228 |
| 1900 | 264 | 326 | 223 | 275 | 194 | 240 |
| 2000 | 277 | 342 | 234 | 289 | 204 | 252 |
| 2100 | 289 | 358 | 245 | 303 | 213 | 264 |
| 2200 | 302 | 374 | 256 | 316 | 223 | 276 |
| 2300 | 315 | 390 | 267 | 330 | 233 | 288 |
| 2400 | 328 | 406 | 278 | 343 | 242 | 299 |
| 2500 | 341 | 421 | 288 | 356 | 251 | 311 |
| 2600 | 353 | 437 | 299 | 369 | 261 | 322 |
| 2700 | 366 | 453 | 310 | 383 | 270 | 334 |
| 2800 | 379 | 468 | 320 | 396 | 279 | 345 |
| 2900 | 391 | 484 | 331 | 409 | 289 | 357 |
| 3000 | 404 | 499 | 342 | 422 | 298 | 368 |
| 3100 | 417 | 515 | 352 | 435 | 307 | 380 |
| 3200 | 429 | 531 | 363 | 449 | 317 | 391 |
| 3300 | 442 | 546 | 374 | 462 | 326 | 403 |
| 3400 | 454 | 561 | 384 | 475 | 335 | 414 |
| 3500 | 466 | 576 | 394 | 487 | 344 | 425 |
| 3600 | 478 | 591 | 404 | 500 | 353 | 436 |
| 3700 | 490 | 606 | 415 | 512 | 362 | 447 |
| 3800 | 502 | 621 | 425 | 525 | 371 | 458 |
| 3900 | 515 | 636 | 435 | 538 | 379 | 469 |
| 4000 | 527 | 651 | 445 | 550 | 388 | 480 |
| 4100 | 539 | 666 | 455 | 563 | 397 | 491 |
| 4200 | 551 | 681 | 466 | 575 | 406 | 502 |
| 4300 | 563 | 696 | 476 | 588 | 415 | 513 |
| 4400 | 574 | 709 | 485 | 599 | 423 | 523 |
| 4500 | 584 | 722 | 494 | 611 | 431 | 533 |
| 4600 | 595 | 736 | 503 | 622 | 439 | 543 |
| 4700 | 606 | 749 | 512 | 633 | 447 | 552 |
| 4800 | 617 | 762 | 521 | 644 | 455 | 562 |
| 4900 | 627 | 775 | 530 | 655 | 463 | 572 |
| 5000 | 638 | 789 | 539 | 667 | 471 | 582 |
| 5100 | 649 | 802 | 548 | 678 | 478 | 591 |
| 5200 | 659 | 815 | 557 | 689 | 486 | 601 |
| 5300 | 670 | 828 | 567 | 700 | 494 | 611 |
| 5400 | 681 | 842 | 576 | 711 | 502 | 621 |
| 5500 | 691 | 855 | 585 | 723 | 510 | 630 |
| 5600 | 702 | 868 | 594 | 734 | 518 | 640 |
| 5700 | 713 | 881 | 603 | 745 | 526 | 650 |
| 5800 | 724 | 894 | 612 | 756 | 534 | 660 |
| 5900 | 734 | 908 | 621 | 767 | 542 | 669 |
| 6000 | 745 | 921 | 630 | 779 | 550 | 679 |

| | | | | | | |
|------|-----|------|-----|-----|-----|-----|
| 6100 | 756 | 934 | 639 | 790 | 557 | 689 |
| 6200 | 766 | 947 | 648 | 801 | 565 | 699 |
| 6300 | 777 | 961 | 657 | 812 | 573 | 709 |
| 6400 | 788 | 974 | 666 | 823 | 581 | 718 |
| 6500 | 798 | 987 | 675 | 835 | 589 | 728 |
| 6600 | 809 | 1000 | 684 | 846 | 597 | 738 |
| 6700 | 820 | 1014 | 693 | 857 | 605 | 748 |
| 6800 | 831 | 1027 | 702 | 868 | 613 | 757 |
| 6900 | 841 | 1040 | 711 | 879 | 621 | 767 |
| 7000 | 852 | 1053 | 720 | 891 | 629 | 777 |

When combined monthly net income exceeds \$7000, child support shall be determined by that amount from the table, together with an additional amount to be determined on an individual basis."

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Talmadge on page 5, beginning on line 25; page 7, beginning on line 1; page 8, after line 32; and page 10, after line 3; to the Committee on Law and Justice striking amendment to Engrossed House Bill No. 2888.

The motion by Senator Talmadge failed and the amendments to the committee amendment were not adopted on a rising vote.

MOTION

Senator Owen moved that the following amendment by Senators Owen and Rasmussen to the Committee on Law and Justice amendment be adopted:

On page 8, line 11, after "support," insert "The court shall not use this subsection to restrict either parent's contact or visitation with the child or children."

Debate ensued.

POINT OF ORDER

Senator Talmadge: "Madam President, I rise to a point of order. I believe the amendment to the Committee on Law and Justice amendment expands the scope and object of the bill. The amendment to the committee amendment that is before us pertains to the question of contact or visitation between the child or children. The proposal that we have before us relates solely to child support and the financial obligations associated with it. I believe that if the amendment was properly formulated, it would have to come as an amendment to the substantive law relating to dissolution of marriage as opposed to a change in the child support schedule that we have before us. I believe for that reason that the amendment to the committee amendment expands the scope and object of the bill that is before us."

There being no objection, the Vice President Pro Tempore deferred further consideration of the amendment by Senators Owen and Rasmussen on page 8, line 11, to the Committee on Law and Justice striking amendment to Engrossed House Bill No. 2888.

MOTION

Senator Owen moved that the following amendments by Senators Owen and Rasmussen to the Committee on Law and Justice amendment be considered simultaneously and be adopted:

On page 10, beginning on line 1 of the amendment, strike everything through "437" on page 11, line 61 and insert the following:

(1) The Washington state child support schedule commission shall, by June 1, 1990, develop an economic table for the monthly basic child support obligation. The commission shall modify the present commission table to reduce by twenty-five percent the basic support obligation above the eighteen hundred dollar combined monthly net income level, but the support obligation is not to be equal or less than the obligation of the next lower monthly income level. The top combined monthly net income level shall be set at five thousand dollars.

(2) The child support schedule commission shall begin immediately to develop the economic table required under subsection (1) of this section.

(3)

On page 16, line 8 of the amendment, after "Sec. 18," strike everything through "1990." and insert "(1) Except for section 11(2) of this act, this act shall take effect July 1, 1990.

(2) Section 11(2) of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Owen and Rasmussen on page 10, beginning on line 1, and page 16, line 8, to the Committee on Law and Justice striking amendment to Engrossed House Bill No. 2888.

The motion by Senator Owen failed and the amendments to the committee amendment were not adopted.

MOTION

Senator Talmadge moved that the following amendment to the Committee on Law and Justice amendment be adopted:

On page 15, after line 32 of the amendment, insert the following:

NEW SECTION, Sec. 17. The Washington state institute for public policy shall undertake a study of the child support schedule implemented pursuant to chapter 26.19 RCW. The study shall include an analysis of the economic assumptions underlying the economic tables currently in use in Washington state, including those currently in use in counties that have adopted alternative economic tables pursuant to RCW 26.19.020(1)(b). The analysis shall include consideration of whether support levels included in the economic tables currently in use accurately reflect child rearing costs for families of different sizes and different income levels in the state of Washington and whether those support levels provide additional support commensurate with parents' income, resources, and standard of living. It also shall include a determination of whether a single child support schedule should be applied state-wide.

The study shall include an assessment of the impact of the current child support schedule on caseload and grant levels for the aid to families with dependent children program, and analysis of federal statutory and regulatory requirements relating to federal financial participation in state child support enforcement activities.

NEW SECTION, Sec. 18. A final report detailing the findings of the study shall be provided to relevant committees of the house of representatives and the senate on or before December 1, 1990.

NEW SECTION, Sec. 19. The sum of seventy-five thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to The Evergreen State College for the biennium ending June 30, 1991, solely for the Washington state institute for public policy to conduct the study provided for in sections 17 and 18 of this act. Any portion of this appropriation not expended by June 30, 1991, for the purpose of this act shall lapse."

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

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 15, after line 32, to the Committee on Law and Justice striking amendment to Engrossed House Bill No. 2888.

The motion by Senator Talmadge failed and the amendment to the committee amendment was not adopted.

At 10:16 a.m., the Vice President Pro Tempore declared the Senate to be at ease.

The Senate was called to order at 10:19 a.m. by Vice President Pro Tempore Craswell.

There being no objection, the Vice President Pro Tempore reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

February 22, 1990

SB 6358 Prime Sponsor, Senator Patterson: Modifying transportation tax rates and distributions. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6358 be substituted therefor, and the substitute bill be referred to Committee on Rules without recommendation. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Benitz, Nelson, Patrick, Sellar.

Passed to Committee on Rules for second reading.

February 26, 1990

SB 6408 Prime Sponsor, Senator Patterson: Adopting the supplemental transportation budget. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Bender, Benitz, Conner, DeJarnatt, Hansen, McMullen, Madsen, Murray, Patrick.

Passed to Committee on Rules for second reading.

There being no objection, the Vice President Pro Tempore advanced the Senate to the sixth order of business.

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 2888 which was being debated on second reading before the Senate went at ease.

There being no objection, the Senate resumed consideration of the amendment by Senators Owen and Rasmussen on page 8, line 11, to the Committee on Law and Justice striking amendment which was deferred earlier today.

RULING BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Craswell: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Engrossed House Bill No. 2888 would make broad changes in the state's child support schedule and would, among other things, allow the court or the presiding or reviewing officer to deviate from the standard calculation if the child spends a significant amount of time with the parent who is obligated to pay child support.

"The amendment proposed by Senators Owen and Rasmussen to the Committee on Law and Justice striking amendment provides that this discretionary deviation is not to be a factor in restricting contact or visitation with children.

"The President, therefore, finds that the amendment to the committee amendment does not change the scope and object of the bill and that the point of order is not well taken."

The amendment by Senators Owen and Rasmussen on page 8, line 11, to the Committee on Law and Justice striking amendment to Engrossed House Bill No. 2888 was ruled in order.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Owen and Rasmussen on page 8, line 11, to the Committee on Law and Justice striking amendment to Engrossed House Bill No. 2888.

The amendment by Senators Owen and Rasmussen to the Committee on Law and Justice striking amendment was adopted.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Law and Justice striking amendment, as amended, to Engrossed House Bill No. 2888.

The Committee on Law and Justice striking amendment, as amended, was adopted.

MOTION

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "support;" strike the remainder of the title and insert "amending RCW 26.09.100, 26.09.170, 26.09.175, 26.19.010, 26.19.050, 26.16.205, 26.18.040, and 26.09.909; reenacting and amending RCW 74.20A.020; adding new sections to chapter 26.19 RCW; repealing RCW 26.19.020, 26.19.030, 26.19.040, and 26.19.060; and providing an effective date."

MOTION

On motion of Senator Nelson, Engrossed House Bill No. 2888, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2888, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2888, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 14.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Madsen, Matson, McCaslin, McDonald, Melcalf, Nelson, Newhouse, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Thorsness, Vognild, von Reichbauer, Warnke, West - 35.

Voting nay: Senators Bender, Fleming, Kreidler, Lee, McMullen, Moore, Murray, Niemi, Owen, Rinehart, Sutherland, Talmadge, Williams, Wojahn - 14.

ENGROSSED HOUSE BILL NO. 2888, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION TO LIMIT DEBATE

Senator Newhouse: "Mr. President, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time. This motion shall be in effect through the end of the session."

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Newhouse to limit debate through the end of the session.

The motion by Senator Newhouse carried and debate was limited to three minutes through the end of the session.

SECOND READING

SENATE BILL NO. 6904, by Senator Newhouse, Benitz, Warnke, Smitherman, Stratton, Wojahn, Bender, Sutherland, Vognild, Rasmussen, Talmadge, Fleming, Conner, Patrick, Murray, Madsen, Moore, McMullen, Hayner, Anderson, Cantu and Gaspard

Providing local government fiscal assistance.

The bill was read the second time.

MOTION

Senator Fleming moved that the following amendments by Senators Fleming, Gaspard, Talmadge, Warnke and Smitherman be considered simultaneously and be adopted:

On page 2, line 15, after "equal to" strike "seven and fifty-three" and insert "nine and sixty-four"

On page 5, line 16, after "(2)" strike "The" and insert "Seventy-eight percent of the"

On page 6, beginning on line 4, strike all of subsection (3) and insert the following:

"(3) Twenty-two percent shall be distributed to the cities of the state ratably on the basis of population as last determined by the office of financial management.

(4) Moneys distributed under subsections (2) and (3) of this section shall be expended exclusively for criminal justice purposes. Within thirty days following the close of the county's fiscal year, the county shall report to the state auditor the expenditures made under subsections (2) and (3) of this section."

Debate ensued.

MOTION

On motion of Senator Newhouse, the rules were suspended and any Senator desiring to be a sponsor of Senate Bill No. 6904 should contact the Secretary of the Senate by 5:00 p.m. today.

MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 6904 was deferred.

SECOND READING

SENATE BILL NO. 6191, by Senators West, Kreidler, Johnson, Anderson, Gaspard, Niemi, McMullen, Murray, Wojahn, Conner, Patrick, Stratton and Smith

Establishing the Washington state trauma care system.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 6191 was substituted for Senate Bill No. 6191 and the substitute bill was placed on second reading and read the second time.

Senator Niemi moved that the following amendments be considered simultaneously and be adopted:

On page 24, line 8, after "appropriation," insert "Funds shall be used for the implementation and administration of the statewide emergency medical services and trauma care system."

On page 30, after line 33, insert the following:

"Sec. 27. Section 17, chapter 121, Laws of 1965 ex. sess. as last amended by section 2, chapter 245, Laws of 1981 and RCW 46.20.181 are each amended to read as follows:

(1) Every driver's license shall expire on the fourth anniversary of the licensee's birthdate following the issuance of such license (~~(--PROVIDED, That)~~). During the period July 1, 1981, through and including June 30, 1983, the department shall implement a system of staggering the renewal periods of currently licensed drivers so as to make approximately one-half of such renewals for a two-year period and the other one-half for a four-year period. Every such license shall be renewable on or before its expiration upon application prescribed by the department and the payment of a fee of fourteen dollars, or of seven dollars in the case of those being renewed for only two years. These fees include the fee for the required photograph.

(2) There shall be a four-dollar surcharge for every driver's license renewal. Moneys from the surcharge shall be deposited in the emergency medical services and trauma care system trust account created by RCW 70.168.040."

Renumber the sections consecutively and correct internal references accordingly.

Debate ensued.

Senator West demanded a roll call and the demand was sustained.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Niemi on page 24, line 8, and page 30, after line 33, to Substitute Senate Bill No. 6191.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 10; nays, 39.

Voting yea: Senators Conner, DeJarnatt, Fleming, Kreidler, Madsen, McMullen, Murray, Niemi, Rinehart, Vognild - 10.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Gaspard, Hansen, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 39.

MOTION

On motion of Senator Nelson, Substitute Senate Bill No. 6191 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6191.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6191 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 6191, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:13 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 12:00 noon by President Pro Tempore Bluechel.

MOTION

At 12:00 noon, on motion of Senator Newhouse, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:30 p.m. by President Pro Tempore Bluechel.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Sellar, Gubernatorial Appointment No. 9199, Bernice Stern, as a member of the Transportation Commission, was confirmed.

MOTION

On motion of Senator Smitherman, Senator Fleming was excused.

APPOINTMENT OF BERNICE STERN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; absent, 4; excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Taimadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 44.

Absent: Senators Johnson, Kreidler, Moore, West - 4.

Excused: Senator Fleming - 1.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2940, by Committee on Transportation (originally sponsored by Representatives R. Meyers, S. Wilson and Zellinsky)

Pertaining to vehicle dealer documentary service fees.

The bill was read the second time.

MOTIONS

On motion of Senator Patterson, the following Committee on Transportation amendment was adopted:

On page 8, line 27, after "documentary" insert "service"

On motion of Senator Patterson, Engrossed Substitute House Bill No. 2940, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Patterson, I caught something about fifteen million dollars."

Senator Patterson: "Thirteen million."

Senator Rasmussen: "Thirteen million and that is coming to the state because of this law?"

Senator Patterson: "No, this is a fee of up to twenty-five dollars per transaction for an automobile dealer that they could collect as a documentary service fee. That would remain with the agency where you purchase the automobile. It is to try and provide them with some dollars. We have been told that many of the people

that have been dealing with titles and what have you have to be specially trained, so that you do have the proper title once you make a purchase and this is a service that they have never had. They have had to take that as their overhead in the operation of the agency and they are asking that they be authorized a fee of up to twenty-five dollars which would remain with that agency where you purchase the automobile."

Senator Rasmussen: "Let me ask you a further question, then. I hear advertising on the radio and TV all the time where they say to come up there and buy your car from good-hearted Joe because we can sell them cheaper in Lynnwood than in Seattle. Seattle has a six-cent transit tax, so you can save three-tenths of a percent up there in Lynnwood. If I am running big-hearted George's and good-hearted Joe's car agency, I don't have to charge a fee, do I? I can tell them--my competitors are charging a fee, but I'm not, so buy your car from me--or is it compulsory?"

Senator Patterson: "There is no dealer that would be required to assess this service or this fee for the service of providing titles and what have you. The fact that there are other fees--they have to collect all the fees that go to the state of Washington--the motor vehicle excise tax--they make all the arrangements--the sales tax which goes to the state--but this fee would not go to the state of Washington. It would be discretionary on the part of each individual."

Senator Rasmussen: "We could assume that if all dealers charged the fee that they had an agreement among themselves that they would."

Senator Patterson: "I suppose that could happen."

Senator Rasmussen: "That would be against the law if they had that type of an agreement?"

Senator Patterson: "No, this bill doesn't speak to that."

Senator Rasmussen: "I thought that was prohibited under the Consumer Protection Act. I can understand the fee, but I can't understand an agreement that they will all uniformly charge it. That is why I asked the question."

Senator Patterson: "Well, the bill provides that it can be from nothing to twenty-five dollars. Some agents may not charge anything, but there are a lot of them, particularly with the smaller dealers in some of the rural areas of the state, that have a very difficult time. The turnover is not that great, yet they have to have competent people that provide these documents for the state of Washington."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2940, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2940, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; nays, 12.

Voting yeas: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hayner, Johnson, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 37.

Voting nays: Senators Amondson, Barr, Fleming, Hansen, Kreidler, McCaslin, Niemi, Rasmussen, Stratton, Sutherland, Talmadge, Williams - 12.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2940, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2932, by Committee on Natural Resources and Parks (originally sponsored by Representatives K. Wilson, Miller, Baugher, Smith, Doty, Valle, Hine and R. Fisher)

Providing for regional water resource planning.

The bill was read the second time.

MOTIONS

On motion of Senator Barr, the following Committee on Agriculture amendment was adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.010 are each amended to read as follows:

(1) The legislature finds that:

(a) Proper utilization of the water resources of this state is necessary to the promotion of public health and the economic well-being of the state and the preservation of its natural resources and aesthetic values. ~~((The legislature further finds that the availability of waters of the state is being evaluated by interests who desire to remove portions thereof from the state in a manner inconsistent with the public interest of people of the state:))~~ Although water is a renewable resource, its supply and availability are becoming increasingly limited, particularly during summer and fall months and dry years when demand is greatest. Growth and prosperity have significantly increased the competition for this limited resource. Adequate water supplies are essential to meet the needs of the state's growing population and economy. At the same time instream resources and values must be preserved and protected so that future generations can continue to enjoy them.

(b) All citizens of Washington share an interest in the proper stewardship of our invaluable water resources. To ensure that available water supplies are managed to best meet both instream and offstream needs, a comprehensive planning process is essential. The people of the state have the unique opportunity to work together to plan and manage our water. Through a comprehensive planning process that includes the state, Indian tribes, local governments, and interested parties, it is possible to make better use of available water supplies through conservation, water use efficiency, improved management of peak and flood flows, cooperation and coordination among water suppliers, and better management of water resources. Comprehensive planning can also help to restore and enhance fishery resources and other instream values. Through comprehensive planning, conflicts among water users and interests can be reduced or resolved. It is in the best interests of the state that comprehensive water resource planning be given a high priority so that water resources and associated values can be utilized and enjoyed today and protected for tomorrow.

(c) Diverse hydrologic, climatic, cultural, and socioeconomic conditions exist throughout the regions of the state. Water resource issues vary significantly across regions. Comprehensive water resource planning is best accomplished through a regional planning process sensitive to the unique characteristics and issues of each region.

(d) Comprehensive water resource planning must provide interested parties adequate opportunity to participate. Water resource issues are best addressed through cooperation and coordination among the state, Indian tribes, local governments, and interested parties.

(e) The long-term needs of the state require ongoing assessment of water availability, use, and demand. A thorough inventory of available resources is essential to water resource management. Current state water resource data and data management is inadequate to meet changing needs and respond to competing water demands. Therefore, a state water resource data program is needed to support an effective water resource management program. Efforts should be made to coordinate and consolidate into one resource data system all relevant information developed by the department of ecology and other agencies relating to the use, protection, and management of the state's water resources.

(2) It is the purpose of this chapter to set forth fundamentals of water resource policy for the state to insure that waters of the state are protected and fully utilized for the greatest benefit to the people of the state of Washington and, in relation thereto, to provide direction to the department of ecology ~~((and)),~~ other state agencies and officials, ~~and local government~~ in carrying out water and related resources programs. It is the intent of the legislature to work closely with the executive branch, Indian tribes, local government, and interested parties to ensure that water resources of the state are wisely managed.

Sec. 2. Section 3, chapter 225, Laws of 1971 ex. sess. as amended by section 4, chapter 47, Laws of 1988 and RCW 90.54.030 are each amended to read as follows:

For the purpose of ~~((insuring))~~ ensuring that the department is fully advised in relation to the performance of the water resources program provided in RCW 90.54.040, and to provide information and support to ~~((the fact-finding service and))~~ the joint select committee established in RCW ~~((90.54.022 and))~~ 90.54.024, the department is directed to become informed with regard to all phases of water and related resources of the state. To accomplish this objective the department shall:

(1) Develop a comprehensive water resource data program that provides the information necessary for effective planning and management on a regional and state-wide basis. The data program shall include an information management plan describing the data requirements for effective water resource planning, and a system for collecting and providing access to water resource data on a regional and state-wide basis. The water resource data program

shall also include a resource inventory and needs assessment pursuant to subsection (5) of this section:

(2) Collect, organize and catalog existing information and studies available to it from all sources, both public and private, pertaining to water and related resources of the state:

((2)) (3) Develop such additional data and studies pertaining to water and related resources as are necessary to accomplish the objectives of this chapter:

((3) Determine existing and foreseeable uses of, and needs for, such waters and related resources:))

(4) Develop alternate courses of action to solve existing and foreseeable problems of water and related resources and include therein, to the extent feasible, the economic and social consequences of each such course, and the impact on the natural environment;

(5) Establish a water resources data management task force to evaluate data management needs, advise the joint select committee on water resource policy, the legislature, and the department in developing an information management plan, and conduct a water resource inventory and needs assessment. The task force shall include representatives of appropriate state agencies, Indian tribes, local governments, and interested parties. The task force shall include expertise in both water resources and resource data management. The task force shall make recommendations to the department on developing a data base for water resource planning throughout the state. In conducting the water resource inventory and needs assessment, the task force shall oversee the inventory of existing data and determine what additional data is needed for effective water resource planning and management. The task force shall otherwise provide continuing guidance to the joint select committee on water resource policy, the legislature, and the department in developing and maintaining an effective information management plan. The department shall coordinate the water resource data program to provide water resource information that meets the needs of the comprehensive water resources program and planning process provided for in RCW 90.54.040;

(6) Prior to September 1, 1990, provide a report to the chairs of the appropriate legislative committees based on the preliminary findings and recommendations of the water resources data management task force. The report shall document the current information flows and data collection processes for state water resources data, and shall include an analysis of task force recommendations for developing additional information to meet water resource data needs. The report shall further include an estimate of funding requirements to implement the water resources data program for consideration in future biennial budget decisions;

(7) Prior to implementation of any preliminary findings and recommendations pursuant to subsection (6) of this section, and contingent on legislative appropriation, develop a five-year plan for data collection and information management approved by the department of information services. Commencing July 1, 1991, the department shall provide annual reports to the chairs of the appropriate legislative committees on the development and implementation of the five-year plan and progress toward completion of the water resource inventory and needs assessment; and

(8) Establish pursuant to task force recommendations a process to resolve technical issues in the development and implementation of the water resource inventory and needs assessment.

All the foregoing shall be included in a "water resources ((archive)) information system" established and maintained by the department. The department shall develop a system of cataloging, storing and retrieving the information and studies of the ((archive)) information system so that they may be made readily available to and effectively used not only by the department but by the public generally.

NEW SECTION, Sec. 3. A new section is added to chapter 90.54 RCW to read as follows:

(1) In the development and implementation of the comprehensive state water resources program required in RCW 90.54.040(1), the process described therein shall involve participation of appropriate state agencies, Indian tribes, local governments, and interested parties, and shall be applied on a regional basis pursuant to subsection (2) of this section.

(2) Prior to January 1, 1991, the department, with advice from appropriate state agencies, Indian tribes, local government, and interested parties, shall identify regions and establish regional boundaries for water resource planning and shall designate two regions in which the process shall be initiated on a pilot basis. One region shall encompass an area within the Puget Sound basin in which critical water resource issues exist. A concurrent pilot process may encompass a region east of the Cascade mountains.

(3) The department shall report to the chairs of the appropriate legislative committees prior to July 1st each year summarizing the progress of the pilot process in the two regions. The pilot process in each region shall be completed and shall produce a regional water plan by December 31, 1993.

(4) Appropriate state agencies, Indian tribes, local governments, and interested parties in regions not selected for the pilot program are strongly encouraged to commence water resource planning within their regions.

NEW SECTION, Sec. 4. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void."

On motion of Senator Barr, the following title amendment was adopted:

On page 1, line 1 of the title, after "planning;" strike the remainder of the title and insert "amending RCW 90.54.010 and 90.54.030; adding a new section to chapter 90.54 RCW; and creating a new section."

MOTION

On motion of Senator Barr, Engrossed Substitute House Bill No. 2932, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2932, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2932, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2932, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1323, by Representatives Hine, Silver, Sayan, D. Sommers, Patrick, McLean, Bristow, H. Sommers, Bowman, Day, Wineberry, Dorn, Dellwo, Crane, Brough, Valle, Rector, Wang, Betrozoff, R. Fisher, Fraser, Basich, O'Brien, Locke, May, P. King, Phillips, Pruitt, Brekke, Appelwick, Jacobsen, Van Luven, Wood and Horn (by request of Joint Committee on Pension Policy)

Changing provisions relating to portability of public employment retirement benefits.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 192, Laws of 1987 as amended by section 1, chapter 195, Laws of 1988 and RCW 41.54.010 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Base salary" means salaries or wages earned by a member of a system during a payroll period for personal services and includes wages and salaries deferred under provisions of the United States internal revenue code, but shall exclude overtime payments, non-money maintenance compensation, and lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, any form of severance pay, any bonus for voluntary retirement, any other form of leave, or any similar lump sum payment.

(2) "Department" means the department of retirement systems.

(3) "Director" means the director of the department of retirement systems.

(4) "Dual member" means a person who (a) is or becomes a member of a system on or after July 1, 1988, (b) has been a member of one or more other systems, and (c) has never been retired for service from a retirement system and is not receiving a disability retirement or disability leave benefit from any retirement system listed in RCW 41.50.030 or subsection (6) of this section.

(5) "Service" means the same as it may be defined in each respective system. For the purposes of RCW 41.54.030, military service granted under RCW 41.40.170(3) or 43.43.260 may only be based on service accrued under chapter 41.40 or 43.43 RCW, respectively.

(6) "System" means the retirement systems established under chapters 41.32, 41.40, 41.44, and 43.43 RCW and the city employee retirement systems for Seattle, Tacoma, and Spokane. The inclusion of an individual first class city system is subject to the procedure set forth in (~~RCW 41.54.060~~) section 3 of this act.

Sec. 2. Section 3, chapter 192, Laws of 1987 as amended by section 2, chapter 195, Laws of 1988 and RCW 41.54.030 are each amended to read as follows:

(1) A dual member's service in all systems may be combined for the sole purpose of determining the member's eligibility to receive a service retirement allowance. (~~This subsection does not, however, permit a member to combine service for the purpose of determining the percentage factor to be used in calculating a service retirement allowance in the city employee retirement systems for Seattle and Tacoma.~~)

(2) A dual member who is eligible to retire under any system may elect to retire from all the member's systems and to receive service retirement allowances calculated as provided in this section. Each system shall calculate the allowance using its own criteria except that the member shall be allowed to substitute the member's base salary from any system as the compensation used in calculating the allowance.

(3) The service retirement allowances from a system which, but for this section, would not be allowed to be paid at this date based on the dual member's age shall be either actuarially adjusted from the earliest age upon which the combined service would have made such dual member eligible in that system, or the dual member may choose to defer the benefit until fully eligible.

NEW SECTION. Sec. 3. A new section is added to chapter 41.54 RCW to read as follows:

(1) The cities of Seattle, Spokane, and Tacoma shall each have the option of making an irrevocable election to have its employee retirement system included in the coverage of this chapter by adopting a resolution transmitting it to the director and the joint committee on pension policy prior to December 1, 1990.

The resolution shall indicate the city's desire to be covered by this chapter and its willingness to pay for the cost of the benefits provided by this chapter.

(2) This chapter shall become effective on January 1, 1991, for each city which adopts a resolution pursuant to subsection (1) of this section. However, if all three cities adopt such resolutions prior to June 1, 1990, the provisions of this chapter shall become effective for those systems on July 1, 1990.

Sec. 4. Section 13, chapter 274, Laws of 1947 as last amended by section 25, chapter 109, Laws of 1988 and RCW 41.40.120 are each amended to read as follows:

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers, as defined in this chapter, with the following exceptions:

(1) Persons in ineligible positions;

(2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;

(3) (a) Persons holding elective offices or persons appointed directly by the governor: PROVIDED, That such persons shall have the option of applying for membership during such periods of employment: AND PROVIDED FURTHER, That any persons holding or who have held elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership to be effective during such term or terms of office, and shall be allowed to establish the service credit applicable to such term or terms of office upon payment of the employee contributions therefor by the employee with interest as determined by the director and employer contributions therefor by the employer or employee with interest as determined by the director: AND PROVIDED FURTHER, That all contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employee's savings fund and be treated as any other contribution made by the employee, with the exception that any contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall not be considered part of the member's annuity for any purpose except withdrawal of contributions;

(b) A member holding elective office in a town or city who has elected to apply for membership pursuant to (a) of this subsection and who later wishes to be eligible for a retirement allowance shall have the option of ending his or her membership in the retirement system. A member wishing to end his or her membership under this subsection must file, on a form supplied by the department, a statement indicating that the member agrees to irrevocably abandon any claim for service for future periods served as an elected official of a town or city. A

member who receives more than ten thousand dollars per year in compensation for his or her elective service is not eligible for the option provided by this subsection (3)(b):

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: PROVIDED, HOWEVER, in any case where the retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: AND PROVIDED FURTHER, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits: AND PROVIDED FURTHER, That an employee shall not either before or after June 7, 1984, be excluded from membership or denied service credit pursuant to this subsection solely on account of: (a) Membership in the plan created under chapter 2.14 RCW; or (b) enrollment under the relief and compensation provisions or the pension provisions of the volunteer firemen's relief and pension fund under chapter 41.24 RCW;

(5) Patient and inmate help in state charitable, penal, and correctional institutions;

(6) "Members" of a state veterans' home or state soldiers' home;

(7) Persons employed by an institution of higher learning or community college, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;

(8) Employees of an institution of higher learning or community college during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to an employer on a fee, retainer, or contract basis or when the income from these services is less than fifty percent of the gross income received from the person's practice of a profession;

(10) Persons appointed after April 1, 1963, by the liquor control board as agency vendors;

(11) Employees of a labor guild, association, or organization: PROVIDED, That elective officials and employees of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership;

(12) Persons hired in eligible positions on a temporary basis for a period not to exceed six months: PROVIDED, That if such employees are employed for more than six months in an eligible position they shall become members of the system;

(13) Persons employed by or appointed or elected as an official of a first class city that has its own retirement system: PROVIDED, That any member elected or appointed to an elective office on or after April 1, 1971, shall have the option of continuing as a member of this system in lieu of becoming a member of the city system. A member who elects to continue as a member of this system shall pay the appropriate member contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. The city shall also transfer to this system all of such member's accumulated contributions together with such further amounts as necessary to equal all employee and employer contributions which would have been paid into this system on account of such service with the city and thereupon the member shall be granted credit for all such service. Any city that becomes an employer as defined in RCW 41.40.010(4) as the result of an individual's election under ~~((the first proviso of))~~ this subsection shall not be required to have all employees covered for retirement under the provisions of this chapter. Nothing in this subsection shall prohibit a city of the first class with its own retirement system from: (a) Transferring all of its current employees to the retirement system established under this chapter, or (b) allowing newly hired employees the option of continuing coverage under the retirement system established by this chapter.

Notwithstanding any other provision of this chapter, persons transferring from employment with a first class city of over four hundred thousand population that has its own retirement system to employment with the state department of agriculture may elect to remain within the retirement system of such city and the state shall pay the employer contributions for such persons at like rates as prescribed for employers of other members of such system;

(14) Employees who (a) are not citizens of the United States, (b) do not reside in the United States, and (c) perform duties outside of the United States;

(15) Employees who (a) are not citizens of the United States, (b) are not covered by chapter 41.48 RCW, (c) are not excluded from membership under this chapter or chapter 41.04 RCW, (d) are residents of this state, and (e) make an irrevocable election to be excluded from membership, in writing, which is submitted to the director within thirty days after employment in an eligible position;

(16) Employees who are citizens of the United States and who reside and perform duties for an employer outside of the United States: PROVIDED, That unless otherwise excluded under this chapter or chapter 41.04 RCW, the employee may apply for membership (a) within thirty days after employment in an eligible position and membership service credit shall be granted from the first day of membership service, and (b) after this thirty-day period, but membership service credit shall be granted only from the date of application;

(17) The city manager or chief administrative officer of a city or town who serves at the pleasure of an appointing authority: PROVIDED, That such persons shall have the option of applying for membership within thirty days from date of their appointment to such positions. Persons serving in such positions as of April 4, 1986, shall continue to be members in the retirement system unless they notify the director in writing prior to December 31, 1986, of their desire to withdraw from membership in the retirement system. A member who withdraws from membership in the system under this section shall receive a refund of the member's accumulated contributions.

Sec. 5. Section 4, chapter 192, Laws of 1987 as amended by section 3, chapter 195, Laws of 1988 and RCW 41.54.040 are each amended to read as follows:

(1) ~~(The)~~ Except where subsection (4) of this section applies, retirement allowances calculated under RCW 41.54.030 shall be paid separately by each respective current and prior system. Any deductions from such separate payments shall be according to the provisions of the respective systems.

(2) Postretirement adjustments, if any, shall be applied by the respective systems based on the payments made under subsection (1) of this section.

(3) If a dual member dies in service in any system, the surviving spouse shall receive the same benefit from each system that would have been received if the member were active in the system at the time of death based on service actually established in that system. However, this subsection does not make a surviving spouse eligible for the survivor benefits provided in RCW 43.43.270.

(4) The department shall adopt rules under chapter 34.05 RCW to ensure that where a dual member has service in a system established under chapter 41.32, 41.40, 41.44, or 43.43 RCW and service under the city employee retirement system for Seattle, Tacoma, or Spokane, the entire additional cost incurred as a result of the dual member receiving a benefit under this chapter shall be borne by the city retirement system that the person is a member of.

NEW SECTION. Sec. 6. Section 6, chapter 192, Laws of 1987 and RCW 41.54.060 are each repealed.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

MOTIONS

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, line 2 of the title, after "benefits;" strike the remainder of the title and insert "amending RCW 41.54.010, 41.54.030, 41.40.120, and 41.54.040; adding a new section to chapter 41.54 RCW; repealing RCW 41.54.060; providing an effective date; and declaring an emergency."

On motion of Senator McDonald, House Bill No. 1323, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1323, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1323, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senators Hansen, Madsen, Sellar - 3.

HOUSE BILL NO. 1323, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:05 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 4:04 p.m. by President Pro Tempore Bluechel.

SECOND READING

ENGROSSED HOUSE BILL NO. 2859, by Representatives Todd, Ebersole, Padden and Wolfe

Making changes in county legislative authority.

The bill was read the second time.

MOTION

On motion of Senator Nelson, Engrossed House Bill No. 2859 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2859.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2859 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

ENGROSSED HOUSE BILL NO. 2859, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2842, by Representatives Hine, G. Fisher, Brooks, Sprengle, Zellinsky, Prentice, R. Fisher, Sayan, Ballard, Moyer, Todd, Anderson, Winsley, Heavey, Ferguson, Rasmussen and Wineberry

Permitting more discretion in granting disabled parking permits.

The bill was read the second time.

MOTION

On motion of Senator Patterson, Engrossed House Bill No. 2842 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2842.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2842 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

ENGROSSED HOUSE BILL NO. 2842, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2421, by Committee on Natural Resources and Parks (originally sponsored by Representatives Dorn, Belcher, Beck, Rasmussen, Betrozoff and R. King)

Requiring safety standards for the operation of jet skis.

The bill was read the second time.

MOTION

Senator Metcalf moved that the following Committee on Environment and Natural Resources amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 241, Laws of 1989 and RCW 88.12.070 are each amended to read as follows:

(1) The purpose of this section is to promote safety in water skiing on the waters of Washington state, provide a means of ensuring safe water skiing and promote the enjoyment of water skiing.

(2) When used in this section, the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

(a) "Operator" means the individual in physical control of ~~((the recreational boat))~~ a vessel. The operator of a personal watercraft shall be at least fourteen years of age.

(b) "Observer" means the individual riding in ~~((the recreational boat))~~ a vessel who shall be responsible for observing the water skier at all times. The observer and the operator shall not be the same person. The observer shall be ((at least ten years of age)) an individual capable of complying with the observer requirements of subsection (3) of this section.

(c) ~~(("Recreational boat" means any vessel manufactured or used primarily for noncommercial use, or leased, rented, or chartered to another for the latter's noncommercial use.))~~ "Personal watercraft" means a vessel of less than sixteen feet which uses a motor powering a water jet pump, as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

(d) "Vessel" means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.

(e) "Waters of Washington state" means any waters within the territorial limits of Washington state.

(3) No ~~((recreational boat))~~ vessel which has in tow a person or persons on water skis, or similar contrivance shall be operated on any waters of Washington state unless such craft shall be occupied by at least an operator and an observer. The observer shall continuously observe the person or persons being towed and shall display a flag immediately after the towed person or persons fall into the water, and during the time preparatory to skiing while the person or persons are still in the water. Such flag shall be a bright red or brilliant orange color, measuring at least twelve inches ~~((on each side))~~ square, mounted on a ~~((handle))~~ pole not less than twenty-four inches long and displayed as to be visible from every direction. This subsection does not apply to a ~~((United States coast guard approved recreational boat))~~ personal watercraft, the design of which makes no provision for carrying an operator or any other person on board, and that is actually operated by the person or persons being towed. Every remote-operated personal watercraft shall have a flag attached which meets the requirements of this subsection.

(4) No person shall engage or attempt to engage in water skiing, or operate or ride on a personal watercraft, without wearing an adequate and effective United States coast guard approved type I, II, III, or V personal flotation device in good and serviceable condition and of appropriate size, or a wet suit ~~((specifically designed by a manufacturer for that purpose and capable of floating the water skier))~~ which is approved for personal flotation by the United States coast guard. A person operating a personal watercraft equipped by the manufacturer with a lanyard type engine cutoff switch must attach the lanyard to his or her person, clothing, or personal flotation device as is appropriate for the specific vessel. It is unlawful for any person to remove or disable a cutoff switch which was installed by the manufacturer.

(5) No person shall engage or attempt to engage in water skiing, or operate any vessel to tow a water skier, on the waters of Washington state during the period from one hour after sunset until one hour prior to sunrise.

(6) No person shall operate a personal watercraft on the waters of Washington state during the period from sunset until sunrise.

(7) No person engaged in water skiing, or the operation of a personal watercraft, shall conduct himself or herself in a negligent manner that endangers, or is likely to endanger, any person or property.

~~((7))~~ (8) The requirements of subsections (3), (4), and (5) of this section shall not apply to ~~((water skiers and boat operators))~~ persons engaged in ~~((water ski))~~ tournaments, competitions, or exhibitions that have been authorized or otherwise permitted by the appropriate agency having jurisdiction and authority to authorize such events.

(9) It shall be unlawful for a person to lease, hire, or rent a personal watercraft to any person who is under sixteen years of age.

Sec. 2. Section 4, chapter 72, Laws of 1933 and RCW 88.12.040 are each amended to read as follows:

(1) All such motor driven boats or vessels shall use ~~((a muffler or other similar device to reduce the sound of exhaust))~~ an adequate and operating muffling device with a series of baffles and chambers, which shall effectively blend the exhaust and motor noise in such a manner so as to preclude excessive or unusual noise.

(2) It shall be unlawful to remove, disable, bypass, or use a cutout device on any muffler or muffling device of any vessel, except while engaged in organized racing events in an area designated for that purpose.

Sec. 3. Section 2, chapter 267, Laws of 1985 as last amended by section 6, chapter 373, Laws of 1987 and RCW 88.02.095 are each amended to read as follows:

(1) It shall be unlawful for any person to operate a vessel in a negligent manner ~~((except a commercial vessel which has or is required to have a valid marine document as a vessel of the United States and is operating in the navigable waters of the United States))~~. For the purpose of this section, to "operate in a negligent manner" shall be construed to mean the operation of a vessel in such manner as to endanger or be likely to endanger any persons or property or to operate at a rate of speed greater than will permit the operator in the exercise of reasonable care to bring the vessel to a safe stop.

(2) A person is guilty of operating a vessel while under the influence of intoxicating liquor or any drug if the person operates a vessel within this state while:

(a) The person has 0.10 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of the person's breath made under RCW 46.61.506; or

(b) The person has 0.10 percent or more by weight of alcohol in the person's blood, as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) The person is under the influence of or affected by intoxicating liquor or any drug; or

(d) The person is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section. A person cited under this subsection may upon request be given a breath test for breath alcohol or may request to have a blood sample taken for blood alcohol analysis. An arresting officer shall administer field sobriety tests when circumstances permit.

(3) For the purposes of this section, "vessel" means any watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.

(4) For the purpose of this section, "vessel operator" means a person who is in actual physical control of a vessel.

(5) A violation of this section is a misdemeanor, punishable by up to ninety days in jail and by a fine of not more than one thousand dollars. In addition, the court may order the defendant to pay restitution for any damages or injuries resulting from the offense.

NEW SECTION. Sec. 4. This act shall take effect July 1, 1990.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Environment and Natural Resources striking amendment to Substitute House Bill No. 2421.

The motion by Senator Metcalf carried and the committee amendment was adopted.

MOTIONS

On motion of Senator Metcalf, the following title amendment was adopted:

On page 1, line 1 of the title, after "skis;" strike the remainder of the title and insert "amending RCW 88.12.070, 88.12.040, and 88.02.095; providing an effective date; and prescribing penalties."

On motion of Senator Metcalf, Substitute House Bill No. 2421, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2421, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2421, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

SUBSTITUTE HOUSE BILL NO. 2421, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2643, by Committee on Appropriations (originally sponsored by Representatives Hine, D. Sommers, Sayan, McLean, H. Sommers, Silver, R. King, Anderson, Winsley and Spanel) (by Joint Committee on Pension Policy)

Changing survivorship options for members of state retirement systems.

The bill was read the second time.

MOTION

Senator Johnson moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) It would be advantageous for some retirees to have survivorship options available other than the options currently listed in statute. Allowing the department of retirement systems to adopt several different survivor options will assist retirees in their financial planning; and

(2) Disabled members of the retirement systems listed in RCW 41.50.030, except for members of the law enforcement officers' and fire fighters' retirement system plan I, must forfeit any right to leave a benefit to their survivors if they wish to go on disability retirement. This results in some disabled workers holding onto their jobs in order to provide for their dependents. The provisions of this act allow members to go on disability retirement while still providing for their survivors.

Sec. 2. Section 9, chapter 109, Laws of 1988 and RCW 2.10.146 are each amended to read as follows:

(1) Upon making application for a service retirement allowance under RCW 2.10.100 or a disability allowance under RCW 2.10.120, a judge who is eligible therefor shall make an election as to the manner in which such service retirement shall be paid from among the following designated options, calculated so as to be actuarially equivalent to each other:

((+)) (a) Standard Allowance. A member selecting this option shall receive a retirement allowance, which shall be computed as provided in RCW 2.10.110. The retirement allowance shall be payable throughout the judge's life. However, if the judge dies before the total of the retirement allowance paid to the judge equals the amount of the judge's accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in the judge's life, as the judge has nominated by written designation duly executed and filed with the department of retirement systems or, if there is no such designated person or persons still living at the time of the judge's death, then to the surviving spouse or, if there is neither such designated person or persons still living at the time of death nor a surviving spouse, then to the judge's legal representative.

((2)) Option II. A judge who selects this option shall receive a reduced retirement allowance which upon death shall be continued throughout the life of and paid to such person, having an insurable interest in the judge's life, as the judge has nominated by written designation duly executed and filed with the department of retirement systems at the time of retirement:

(3) Option III. A judge who selects this option shall receive a reduced retirement allowance and upon death, one-half of the judge's reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in the judge's life, as the judge has nominated by written designation duly executed and filed with the department of retirement systems at the time of retirement:))

(b) The department shall adopt rules that allow a judge to select a retirement option that pays the judge a reduced retirement allowance and upon death, such portion of the judge's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person who has an insurable interest in the judge's life. Such person shall be nominated by the judge by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2) A judge, if married, must provide the written consent of his or her spouse to the option selected under this section. If a judge is married and both the judge and the judge's spouse do not give written consent to an option under this section, the department will pay the judge a joint and fifty percent survivor benefit and record the judge's spouse as the beneficiary. Such benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section.

Sec. 3. Section 7, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.460 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.26.430 or disability retirement under RCW 41.26.470, a member shall elect to have the retirement allowance paid pursuant to ((Option 1, 2, or 3 with)) the following options ((2 and 3)), calculated so as to be actuarially equivalent to ((Option 1)) each other.

~~(((1) OPTION 1))~~ (a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

~~(((2) OPTION 2. A member who elects this option shall receive a reduced retirement allowance, which upon the member's death shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.~~

~~(3) OPTION 3. A member who elects this option shall receive a reduced retirement allowance, and upon the member's death one-half of the retiree's reduced retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.))~~

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person who has an insurable interest in the member's life. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2) A member, if married, must provide the written consent of his or her spouse to the option selected under this section. If a member is married and both the member and member's spouse do not give written consent to an option under this section, the department will pay the member a joint and fifty percent survivor benefit and record the member's spouse as the beneficiary. Such benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section.

Sec. 4. Section 3, chapter 189, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 116, Laws of 1988 and RCW 41.32.498 are each amended to read as follows:

Any person who becomes a member subsequent to April 25, 1973 or who has made the election, provided by RCW 41.32.497, to receive the benefit provided by this section, shall receive a retirement allowance consisting of:

(1) An annuity which shall be the actuarial equivalent of his additional contributions on full salary as provided by chapter 274, Laws of 1955 and his or her lump sum payment in excess of the required contribution rate made at date of retirement, pursuant to RCW 41.32.350, if any; and

(2) A combined pension and annuity service retirement allowance which shall be equal to two percent of his or her average earnable compensation for his or her two highest compensated consecutive years of service times the total years of creditable service established with the retirement system, to a maximum of sixty percent of such average earnable compensation; PROVIDED, That any member may irrevocably elect, at time of retirement, to withdraw all or a part of his accumulated contributions and to receive, in lieu of the full retirement allowance provided by this subsection, a reduction in the standard two percent allowance, of the actuarially determined amount of monthly annuity which would have been purchased by said contributions; PROVIDED FURTHER, That no member may withdraw an amount of accumulated contributions which would lower his or her retirement allowance below the minimum allowance provided by RCW 41.32.497 as now or hereafter amended; AND PROVIDED FURTHER, That said reduced amount may be reduced even further pursuant to the options provided in ~~((sub-section (4) below))~~ RCW 41.32.530:

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, the retirement allowance payable for service of a member who was state superintendent of public instruction on January 1, 1973 shall be equal to three percent of the average earnable compensation of his two highest consecutive years of service for each year of such service.

~~((4) Upon an application for retirement approved by the board of trustees every member shall receive the maximum retirement allowance available to him throughout life unless prior to the time the first installment thereof becomes due he has elected to receive the reduced amount provided in subsection (2) and/or has elected by executing the proper application therefor, to receive the actuarial equivalent of his retirement allowance in reduced payments throughout his life, with the options listed below:~~

~~(a) Option 1. If he dies before he has received the present value of his accumulated contributions at the time of his retirement by virtue of the annuity portion of his retirement allowance, the unpaid balance shall be paid to his estate or to such person as he shall have nominated by written designation executed and filed with the board of trustees:~~

~~(b) Option 2. Upon his death his adjusted retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation duly executed and filed with the board of trustees at the time of his retirement.~~

~~(c) Option 3. Upon his death one-half of his adjusted retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation executed and filed with the board of trustees at the time of his retirement.~~

~~(d) Option 4. In addition to the other options provided under this subsection, the member may also elect to receive the maximum retirement allowance or a retirement allowance based on options 1, 2, or 3 which also includes the benefit provided under RCW 41.32.770. This retirement allowance option shall also be calculated so as to be actuarially equivalent to the maximum retirement allowance and to options 1, 2, and 3 as provided in this subsection.))~~

Sec. 5. Section 53, chapter 80, Laws of 1947 as amended by section 26, chapter 274, Laws of 1955 and RCW 41.32.530 are each amended to read as follows:

(1) Upon an application for retirement for service under RCW 41.32.480 or retirement for disability under RCW 41.32.550, approved by the ((board of trustees)) department, every member shall receive the maximum retirement allowance available to him or her throughout life unless prior to the time the first installment thereof becomes due he or she has elected, by executing the proper application therefor, to receive the actuarial equivalent of his or her retirement allowance in reduced payments throughout his or her life with the following options:

((Option 1)) (a) Standard allowance. If he or she dies before he or she has received the present value of his or her accumulated contributions at the time of his or her retirement in annuity payments, the unpaid balance shall be paid to his or her estate or to such person as he or she shall have nominated by written designation executed and filed with the ((board of trustees).

Option 2. Upon his death his adjusted retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation duly executed and filed with the board of trustees at the time of his retirement.

Option 3. Upon his death one-half of his adjusted retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation executed and filed with the board of trustees at the time of his retirement.

Option 4)) department.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person who has an insurable interest in the member's life. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(c) Such other benefits shall be paid to a member receiving a retirement allowance under RCW 41.32.497 as the member may designate for himself, herself, or others equal to the actuarial value of his or her retirement annuity at the time of his retirement: PROVIDED, That the board of trustees shall limit withdrawals of accumulated contributions to such sums as will not reduce the member's retirement allowance below one hundred and twenty dollars per month.

(d) A member whose retirement allowance is calculated under RCW 41.32.498 may also elect to receive a retirement allowance based on options available under this subsection that includes the benefit provided under RCW 41.32.770. This retirement allowance option shall also be calculated so as to be actuarially equivalent to the maximum retirement allowance and to the options available under this subsection.

(2) A member, if married, must provide the written consent of his or her spouse to the option selected under this section. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department will pay the member a joint and fifty percent survivor benefit and record the member's spouse

as the beneficiary. Such benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section.

Sec. 6. Section 8, chapter 293, Laws of 1977 ex. sess. and RCW 41.32.785 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.32.765 or retirement for disability under RCW 41.32.790, a member shall elect to have the retirement allowance paid pursuant to ((Option 1, 2, or 3 with Options 2 and 3)) the following options, calculated so as to be actuarially equivalent to ((Option 1)) each other.

~~((1) OPTION 1))~~ (a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

~~((2) OPTION 2. A member who elects this option shall receive a reduced retirement allowance, which upon the member's death shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.~~

~~((3) OPTION 3. A member who elects this option shall receive a reduced retirement allowance, and upon the member's death one-half of the retiree's reduced retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.))~~

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person who has an insurable interest in the member's life. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2) A member, if married, must provide the written consent of his or her spouse to the option selected under this section. If a member is married and both the member and member's spouse do not give written consent to an option under this section, the department will pay the member a joint and fifty percent survivor benefit and record the member's spouse as the beneficiary. Such benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section.

Sec. 7. Section 5, chapter 151, Laws of 1972 ex. sess. as last amended by section 2, chapter 143, Laws of 1987 and RCW 41.40.185 are each amended to read as follows:

Upon retirement from service, as provided for in RCW 41.40.180 or 41.40.210, a member shall be eligible for a service retirement allowance computed on the basis of the law in effect at the time of retirement, together with such post-retirement pension increases as may from time to time be expressly authorized by the legislature. The service retirement allowance payable to members retiring on and after February 25, 1972 shall consist of:

(1) An annuity which shall be the actuarial equivalent of his or her additional contributions made pursuant to RCW 41.40.330(2).

(2) A membership service pension, subject to the provisions of subsection (4) of this section, which shall be equal to two percent of his or her average final compensation for each year or fraction of a year of membership service.

(3) A prior service pension which shall be equal to one-seventieth of his or her average final compensation for each year or fraction of a year of prior service not to exceed thirty years credited to his service accounts. In no event, except as provided in this 1972 amendatory act, shall any member receive a retirement allowance pursuant to subsections (2) and (3) of this section of more than sixty percent of his or her average final compensation: PROVIDED, That no member shall receive a pension under this section of less than nine hundred dollars per annum if such member has twelve or more years of service credit, or less than one thousand and two hundred dollars per annum if such member has sixteen or more years of service credit, or less than one thousand five hundred and sixty dollars per annum if such member has twenty or more years of service credit.

(4) Notwithstanding the provisions of subsections (1) through (3) of this section, the retirement allowance payable for service where a member was elected or appointed pursuant to Articles II or III of the Constitution of the state of Washington or RCW 48.02.010 and the implementing statutes shall be a combined pension and annuity. Said retirement allowance shall be equal to three percent of the average final compensation for each year of such service. Any

member covered by this subsection who upon retirement has served ten or more years shall receive a retirement allowance of at least one thousand two hundred dollars per annum; such member who has served fifteen or more years shall receive a retirement allowance of at least one thousand eight hundred dollars per annum; and such member who has served twenty or more years shall receive a retirement allowance of at least two thousand four hundred dollars per annum: PROVIDED, That the initial retirement allowance of a member retiring only under the provisions of this subsection shall not exceed the average final compensation upon which the retirement allowance is based. The minimum benefits provided in this subsection shall apply to all retired members or to the surviving spouse of deceased members who were elected to the office of state senator or state representative.

~~((5) Upon making application for a service retirement allowance under RCW 41.40.180, a member who is eligible therefor shall make an election as to the manner in which such service retirement shall be paid from among the following designated options, calculated so as to be actuarially equivalent to each other:~~

~~(a) Standard Allowance. A member selecting this option shall receive a retirement allowance, which shall be computed as provided in subsections (1), (2) and (3) of this section. The retirement allowance shall be payable throughout his life. However, if he dies before the total of the retirement allowance paid to him equals the amount of his accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, still living at the time of his death, then to his surviving spouse, or if there be neither such designated person or persons still living at the time of his death nor a surviving spouse, then to his legal representative.~~

~~(b) Option II. A member who selects this option shall receive a reduced retirement allowance which upon his death shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement.~~

~~(c) Option III. A member who selects this option shall receive a reduced retirement allowance and upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement.~~

~~(d) In addition to the other options provided under this subsection, the member may also elect to receive a standard allowance, an option II allowance, or an option III allowance, which includes the benefit provided under RCW 41.40.640. This retirement allowance option shall also be calculated so as to be actuarially equivalent to the options offered in (a), (b), and (c) of this subsection.)~~

Sec. 8. Section 20, chapter 274, Laws of 1947 as last amended by section 3, chapter 143, Laws of 1987 and RCW 41.40.190 are each amended to read as follows:

In lieu of the retirement allowance provided in RCW 41.40.185, an individual employed on or before April 25, 1973 may, after complying with RCW 41.40.180 or 41.40.210, make an irrevocable election to receive the retirement allowance provided by this section which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of his or her retirement; and

(2) A basic service pension of one hundred dollars per annum; and

(3) A membership service pension, subject to the provisions of subdivision (4) of this section, which shall be equal to one one-hundredth of his or her average final compensation for each year or fraction of a year of membership service credited to his or her service account; and

(4) A prior service pension which shall be equal to one-seventieth of his or her average final compensation for each year or fraction of a year of prior service not to exceed thirty years credited to his or her service accounts. In no event shall any original member upon retirement at age seventy with ten or more years of service credit receive less than nine hundred dollars per annum as a retirement allowance, nor shall any member upon retirement at any age receive a retirement allowance of less than nine hundred dollars per annum if such member has twelve or more years of service credit, or less than one thousand and two hundred dollars per annum if such member has sixteen or more years of service credit, or less than one thousand five hundred and sixty dollars per annum if such member has twenty or more years of service credit. In the event that the retirement allowance as to such member provided by subdivisions (1), (2), (3), and (4) hereof shall amount to less than the aforesaid minimum retirement allowance, the basic service pension of the member shall be increased from one hundred dollars to a sum sufficient to make a retirement allowance of the applicable minimum amount.

(5) Notwithstanding the provisions of subsections (1) through (4) of this section, the retirement allowance payable for service where a member was elected or appointed pursuant to Articles II or III of the Constitution of the state of Washington or RCW 48.02.010 and the implementing statutes shall be a combined pension and annuity. Said retirement allowance shall be

equal to three percent of the average final compensation for each year of such service. Any member covered by this subsection who upon retirement has served ten or more years shall receive a retirement allowance of at least one thousand two hundred dollars per annum; such member who has served fifteen or more years shall receive a retirement allowance of at least one thousand eight hundred dollars per annum; and such member who has served twenty or more years shall receive a retirement allowance of at least two thousand four hundred dollars per annum: PROVIDED, That the initial retirement allowance of a member retiring only under the provisions of this subsection shall not exceed the average final compensation upon which the retirement allowance is based. The minimum benefits provided in this subsection shall apply to all retired members or to the surviving spouse of deceased members who were elected under the provisions of Article II of the Washington state Constitution.

~~(6) (Upon making application for a service retirement allowance under RCW 41.40.180, a member who is eligible therefor shall make an election as to the manner in which such service retirement shall be paid from among the following designated options, calculated so as to be actuarially equivalent to each other:~~

~~(a) Option IA. A member electing this option shall receive a retirement allowance payable throughout his life only with termination at death, which shall be computed as provided for in subsections (1) through (4) or (5) of this section:~~

~~(b) Option i. If he dies before the total of the annuity portions of the retirement allowance paid to him equals the amount of his accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, still living at the time of his death; then to his surviving spouse, or if there be neither such designated person or persons still living at the time of his death nor a surviving spouse, then to his legal representative; or~~

~~(c) Option ii. Upon his death his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement;)) Unless payment shall be made under RCW 41.40.270, ((option II)) a joint and one hundred percent survivor benefit under section 9 of this 1990 act shall automatically be given effect as if selected for the benefit of the surviving spouse upon the death in service, or while on authorized leave of absence for a period not to exceed one hundred and twenty days from the date of payroll separation, of any member who is qualified for a service retirement allowance or has completed ten years of service at the time of death, except that if the member is not then qualified for a service retirement allowance, such option II benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased member would have first qualified for a service retirement allowance((r or~~

~~(d) Option III. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement:~~

~~(e) In addition to the other options provided under this subsection, the member may also elect to receive a retirement allowance based on options IA, I, II, or III, which includes the benefit provided under RCW 41.40.640. This retirement allowance option shall also be calculated so as to be actuarially equivalent to the options offered in (a), (b), (c), and (d) of this subsection)).~~

NEW SECTION, Sec. 9. A new section is added to chapter 41.40 RCW to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.40.180 or retirement for disability under RCW 41.40.210 or 41.40.230, a member shall elect to have the retirement allowance paid pursuant to one of the following options calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person who has an insurable interest in the member's life. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the

department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(C) A member may elect to include the benefit provided under RCW 41.40.640 along with the retirement options available under this section. This retirement allowance option shall be calculated so as to be actuarially equivalent to the options offered under this subsection.

(2) A member, if married, must provide the written consent of his or her spouse to the option selected under this section. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section.

Sec. 10. Section 7, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.660 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.40.630 or retirement for disability under RCW 41.40.670, a member shall elect to have the retirement allowance paid pursuant to ~~((Option 1, 2, or 3 with Options 2 and 3))~~ one of the following options, calculated so as to be actuarially equivalent to ~~((Option 1))~~ each other.

~~((1) OPTION 1)~~ (a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

~~((2) OPTION 2. A member who elects this option shall receive a reduced retirement allowance, which upon the member's death shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.~~

~~((3) OPTION 3. A member who elects this option shall receive a reduced retirement allowance, and upon the member's death one-half of the retiree's reduced retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.))~~

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person who has an insurable interest in the member's life. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2) A member, if married, must provide the written consent of his or her spouse to the option selected under this section. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section.

Sec. 11. Section 28, chapter 274, Laws of 1947 as last amended by section 11, chapter 249, Laws of 1979 ex. sess. and RCW 41.40.270 are each amended to read as follows:

(1) Should a member die before the date of retirement the amount of the accumulated contributions standing to the member's credit in the employees' savings fund, at the time of death(;;):

(a) Shall be paid to such person or persons, having an insurable interest in the member's life, as the member shall have nominated by written designation duly executed and filed with the department(;;); or

(b) If there be no such designated person or persons still living at the time of the member's death, or if a member fails to file a new beneficiary designation subsequent to marriage, remarriage, dissolution of marriage, divorce, or reestablishment of membership following termination by withdrawal or retirement, ~~((the member's credited))~~ such accumulated contributions ~~((in the employees' savings fund))~~ shall be paid to the surviving spouse as if in fact such spouse had been nominated by written designation as aforesaid, or if there be no such surviving spouse, then to the member's legal representatives(;;).

(2) Upon the death in service, or while on authorized leave of absence for a period not to exceed one hundred and twenty days from the date of payroll separation, of any member who is qualified but has not applied for a service retirement allowance or has completed ten years of service at the time of death, the designated beneficiary, or the surviving spouse as

provided in subsection (1) of this section, may elect to waive the payment provided by subsection (1) of this section. Upon such an election, ~~((option II of))~~ a joint and one hundred percent survivor option under section 9 of this 1990 act, calculated under the retirement allowance described in RCW 41.40.185 or ((option II of RCW)) 41.40.190, whichever is greater, shall automatically be given effect as if selected for the benefit of the surviving spouse or dependent who is the designated beneficiary~~((-except that)),~~ If the member is not then qualified for a service retirement allowance, such ((option II)) benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased member would have first qualified for a service retirement allowance~~((-PROVIDED: That))~~.

(3) Subsection (1) of this section, unless elected, shall not apply to any member who has applied for service retirement in RCW 41.40.180, as now or hereafter amended, and thereafter dies between the date of separation from service and the member's effective retirement date, where the member has selected ~~((either options II or III in RCW 41.40.185 or 41.40.190))~~ a survivorship option under section 9 of this 1990 act. In those cases the beneficiary named in the member's final application for service retirement may elect to receive either a cash refund or monthly payments according to the option selected by the member.

Sec. 12. Section 16, chapter 14, Laws of 1963 ex. sess. as last amended by section 3, chapter 199, Laws of 1974 ex. sess. and RCW 41.32.497 are each amended to read as follows:

Any person who became a member on or before April 25, 1973 and who qualifies for a retirement allowance shall, at time of retirement, make an irrevocable election to receive either the retirement allowance by RCW 41.32.498 as now or hereafter amended or to receive a retirement allowance pursuant to this section consisting of: (1) An annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement, (2) A basic service pension of one hundred dollars per annum, and (3) A service pension which shall be equal to one one-hundredth of his average earnable compensation for his two highest compensated consecutive years of service times the total years of creditable service established with the retirement system: PROVIDED, That no beneficiary now receiving benefits or who receives benefits in the future, except those beneficiaries receiving reduced benefits pursuant to RCW 41.32.520(1)~~((-options 2 and 3 provided in RCW))~~ or 41.32.530, ~~((or options 2 or 3 of RCW 41.32.498 as now or hereafter amended))~~ shall receive a pension of less than six dollars and fifty cents per month for each year of creditable service established with the retirement system. Pension benefits payable under the provisions of this section shall be prorated on a monthly basis and paid at the end of each month.

Sec. 13. Section 8, chapter 109, Laws of 1988 and RCW 2.10.144 are each amended to read as follows:

(1) If a judge dies before the date of retirement, the amount of the accumulated contributions standing to the judge's credit at the time of death shall be paid to such person or persons, having an insurable interest in the judge's life, as the judge has nominated by written designation duly executed and filed with the department of retirement systems. If there is no such designated person or persons still living at the time of the judge's death, or if the judge fails to file a new beneficiary designation subsequent to marriage, remarriage, dissolution of marriage, divorce, or reestablishment of membership following termination by withdrawal or retirement, the judge's credited accumulated contributions shall be paid to the surviving spouse as if in fact the spouse had been nominated by written designation or, if there is no such surviving spouse, then to the judge's legal representatives.

(2) Upon the death in service of any judge who is qualified but has not applied for a service retirement allowance or has completed ten years of service at the time of death, the designated beneficiary, or the surviving spouse as provided in subsection (1) of this section, may elect to waive the payment provided by subsection (1) of this section. Upon such an election, ~~((option II of))~~ a joint and one hundred percent survivor option under RCW 2.10.146 shall automatically be given effect as if selected for the benefit of the surviving spouse or dependent who is the designated beneficiary, except that if the judge is not then qualified for a service retirement allowance, the option II benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased judge would have first qualified for a service retirement allowance. However, subsection (1) of this section, unless elected, shall not apply to any judge who has applied for a service retirement and thereafter dies between the date of separation from service and the judge's effective retirement date, where the judge has selected ((either option II or III of)) a survivorship option under RCW 2.10.146(1)(b). In those cases, the beneficiary named in the judge's final application for service retirement may elect to receive either a cash refund or monthly payments according to the option selected by the judge.

Sec. 14. Section 12, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.510 are each amended to read as follows:

(1) If a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death shall be paid to such person or persons having an insurable interest in such member's life as the member shall have nominated by

written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 41.26.430(1) actuarially adjusted to reflect ~~((Option 2 of))~~ a joint and one hundred percent survivor option under RCW 41.26.460 and if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.26.430(2); if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b) The member's accumulated contributions.

Sec. 15. Section 52, chapter 80, Laws of 1947 as last amended by section 5, chapter 193, Laws of 1974 ex. sess. and RCW 41.32.520 are each amended to read as follows:

(1) Upon receipt of proper proofs of death of any member before retirement or before the first installment of his or her retirement allowance shall become due his or her accumulated contributions and/or other benefits payable upon his or her death shall be paid to his or her estate or to such persons as he or she shall have nominated by written designation duly executed and filed with the board of trustees. If a member fails to file a new beneficiary designation subsequent to marriage, divorce, or reestablishment of membership following termination by withdrawal, lapsation, or retirement, payment of his or her accumulated contributions and/or other benefits upon death before retirement shall be made to the surviving spouse, if any; otherwise, to his or her estate. If a member had established ten or more years of Washington membership service credit or was eligible for retirement, the beneficiary or the surviving spouse if otherwise eligible may elect, in lieu of a cash refund of the member's accumulated contributions, the following survivor benefit plan:

((+)) (a) A widow or widower, without a child or children under eighteen years of age, may elect a monthly payment of fifty dollars to become effective at age fifty, provided the member had fifteen or more years of Washington membership service credit.

((+)) (b) The beneficiary, if a surviving spouse or a dependent (as that term is used in computing the dependent exemption for federal internal revenue purposes) may elect to receive a joint and one hundred percent retirement allowance under ~~((Option 2 of))~~ RCW 41.32.530.

(i) In the case of a dependent child the allowance shall continue until attainment of majority or so long as the board judges that the circumstances which created his or her dependent status continue to exist. In any case, if at the time dependent status ceases, an amount equal to the amount of accumulated contributions of the deceased member has not been paid to the beneficiary, the remainder shall then be paid in a lump sum to the beneficiary ~~((PROVIDED That))~~.

(ii) If at the time of death, the member was not then qualified for a service retirement allowance, ~~((such Option 2))~~ the benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased member would have first qualified for a service retirement allowance.

(2) If no qualified beneficiary survives a member, at his or her death his or her accumulated contributions shall be paid to his or her estate, or his or her dependents may qualify for survivor benefits under benefit plan ~~((+))~~ (1)(b) in lieu of a cash refund of the members accumulated contributions in the following order: Widow or widower, guardian of a dependent child or children under age eighteen, or dependent parent or parents.

(3) Under survivors' benefit plan (1)(a) the board of trustees shall transfer to the survivors' benefit fund the accumulated contributions of the deceased member together with an amount from the pension fund determined by actuarial tables to be sufficient to fully fund the liability. Benefits shall be paid from the survivors' benefit fund monthly and terminated at the marriage of the beneficiary.

Sec. 16. Section 12, chapter 293, Laws of 1977 ex. sess. and RCW 41.32.805 are each amended to read as follows:

(1) If a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death shall be paid to such person or persons having an insurable interest in such member's life as the member shall have nominated by

written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 41.32.765(1) actuarially adjusted to reflect ~~((Option 2 of))~~ a joint and one hundred percent survivor option under RCW 41.32.785 and if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.32.765(2); if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b) The member's accumulated contributions.

Sec. 17. Section 16, chapter 274, Laws of 1947 as last amended by section 1, chapter 88, Laws of 1987 and by section 1, chapter 384, Laws of 1987 and RCW 41.40.150 are each re-enacted and amended to read as follows:

Should any member die, or should the individual separate or be separated from service without leave of absence before attaining age sixty years, or should the individual become a beneficiary, except a beneficiary of an optional retirement allowance as provided by ~~((RCW 41.40.165 or 41.40.196))~~ section 9 of this 1990 act, the individual shall thereupon cease to be a member except:

(1) As provided in RCW 41.40.170.

(2) An employee not previously retired who reenters service shall upon completion of six months of continuous service and upon the restoration of all withdrawn contributions with interest as computed by the director, which restoration must be completed within a total period of five years of membership service following the member's first resumption of employment, be returned to the status, either as an original member or new member which the member held at time of separation.

~~(3) ((Any member, except a state elected official, who reentered service and who failed to restore withdrawn contributions, shall now have from April 4, 1986, through June 30, 1987, to restore the contributions, with interest as determined by the director. Local elected officials may restore withdrawn contributions only for the period during which they served as non-elected officials. Local elected officials who have retired in the period from April 4, 1986, through June 30, 1987, may nevertheless restore these contributions through June 30, 1987.~~

(4)) Within the ninety days following the employee's resumption of employment, the employer shall notify the department of the resumption and the department shall then return to the employer a statement of the potential service credit to be restored, the amount of funds required for restoration, and the date when the restoration must be accomplished. The employee shall be given a copy of the statement and shall sign a copy of the statement which signed copy shall be placed in the employee's personnel file.

~~((5))~~ (4) A member who separates or has separated after having completed at least five years of service shall remain a member during the period of absence from service for the exclusive purpose of receiving a retirement allowance to begin at attainment of age sixty-five, however, such a member may on written notice to the director elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty-five: PROVIDED, That if such member should withdraw all or part of the member's accumulated contributions except those additional contributions made pursuant to RCW 41.40.330(2), the individual shall thereupon cease to be a member and this section shall not apply.

~~((6))~~ (5) (a) The recipient of a retirement allowance who is employed in an eligible position other than under RCW 41.40.120(12) shall be considered to have terminated his or her retirement status and shall immediately become a member of the retirement system with the status of membership the member held as of the date of retirement. Retirement benefits shall be suspended during the period of eligible employment and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: PROVIDED, That where any such right to retire is exercised to become effective before the member has rendered two uninterrupted years of service the type of retirement allowance the member had at the time of the member's previous retirement shall be reinstated;

(b) The recipient of a retirement allowance elected to office or appointed to office directly by the governor, and who shall apply for and be accepted in membership as provided in

RCW 41.40.120(3) shall be considered to have terminated his or her retirement status and shall become a member of the retirement system with the status of membership the member held as of the date of retirement. Retirement benefits shall be suspended from the date of return to membership until the date when the member again retires and the member shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: PROVIDED, That where any such right to retire is exercised to become effective before the member has rendered six uninterrupted months of service the type of retirement allowance the member had at the time of the member's previous retirement shall be reinstated, but no additional service credit shall be allowed: AND PROVIDED FURTHER, That if such a recipient of a retirement allowance does not elect to apply for reentry into membership as provided in RCW 41.40.120(3), the member shall be considered to remain in a retirement status and the individual's retirement benefits shall continue without interruption.

((?)) (6) Any member who leaves the employment of an employer and enters the employ of a public agency or agencies of the state of Washington, other than those within the jurisdiction of the Washington public employees' retirement system, and who establishes membership in a retirement system or a pension fund operated by such agency or agencies and who shall continue membership therein until attaining age sixty, shall remain a member for the exclusive purpose of receiving a retirement allowance without the limitation found in RCW 41.40.180(1) to begin on attainment of age sixty-five; however, such a member may on written notice to the director elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits commencing at age sixty-five: PROVIDED, That if such member should withdraw all or part of the member's accumulated contributions except those additional contributions made pursuant to RCW 41.40.330(2), the individual shall thereupon cease to be a member and this section shall not apply.

Sec. 18. Section 11, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.700 are each amended to read as follows:

(1) If a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death shall be paid to such person or persons having an insurable interest in such member's life as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 41.40.630(1) actuarially adjusted to reflect ((Option 2 of)) a joint and one hundred percent survivor option under RCW 41.40.660 and if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.40.630(2); if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b) The member's accumulated contributions.

Sec. 19. Section 8, chapter 294, Laws of 1977 ex. sess. as last amended by section 1, chapter 88, Laws of 1989 and by section 1, chapter 191, Laws of 1989 and RCW 41.26.470 are each reenacted and amended to read as follows:

(1) A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the director shall be eligible to receive an allowance under the provisions of RCW 41.26.410 through 41.26.550. Such member shall receive a monthly disability allowance computed as provided for in RCW 41.26.420 and shall have such allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age fifty-eight.

(2) Any member who receives an allowance under the provisions of this section shall be subject to such comprehensive medical examinations as required by the department. If such medical examinations reveal that such a member has recovered from the incapacitating disability and the member is no longer entitled to benefits under Title 51 RCW, the retirement allowance shall be canceled and the member shall be restored to duty in the same civil service rank, if any, held by the member at the time of retirement or, if unable to perform the

duties of the rank, then, at the member's request, in such other like or lesser rank as may be or become open and available, the duties of which the member is then able to perform. In no event shall a member previously drawing a disability allowance be returned or be restored to duty at a salary or rate of pay less than the current salary attached to the rank or position held by the member at the date of the retirement for disability. If the department determines that the member is able to return to service, the member is entitled to notice and a hearing. Both the notice and the hearing shall comply with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

(3) Those members subject to this chapter who became disabled in the line of duty on or after July 23, 1989, and who receive benefits under RCW 41.04.500 through 41.04.530 or similar benefits under RCW 41.04.535 shall receive or continue to receive service credit subject to the following:

(a) No member may receive more than one month's service credit in a calendar month.

(b) No service credit under this section may be allowed after a member separates or is separated without leave of absence.

(c) Employer contributions shall be paid by the employer at the rate in effect for the period of the service credited.

(d) Employee contributions shall be collected by the employer and paid to the department at the rate in effect for the period of service credited.

(e) State contributions shall be as provided in RCW 41.26.450.

(f) Contributions shall be based on the regular compensation which the member would have received had the disability not occurred.

(g) The service and compensation credit under this section shall be granted for a period not to exceed six consecutive months.

(h) Should the legislature revoke the service credit authorized under this section or repeal this section, no affected employee is entitled to receive the credit as a matter of contractual right.

(4)(a) If the recipient of a monthly retirement allowance under this section dies before the total of the retirement allowance paid to the recipient equals the amount of the accumulated contributions at the date of retirement, then the balance shall be paid to such person or persons having an insurable interest in his or her life as the recipient has nominated by written designation duly executed and filed with the director, or, if there is no such designated person or persons still living at the time of the recipient's death, then to the surviving spouse, or, if there is neither such designated person or persons still living at the time of his or her death nor a surviving spouse, then to his or her legal representative.

(b) If a recipient of a monthly retirement allowance under this section died before April 27, 1989, and before the total of the retirement allowance paid to the recipient equaled the amount of his or her accumulated contributions at the date of retirement, then the department shall pay the balance of the accumulated contributions to the member's surviving spouse or, if there is no surviving spouse, then in equal shares to the member's children. If there is no surviving spouse or children, the department shall retain the contributions.

Sec. 20. Section 9, chapter 293, Laws of 1977 ex. sess. as amended by section 2, chapter 191, Laws of 1989 and RCW 41.32.790 are each amended to read as follows:

(1) A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the department upon recommendation of the retirement board shall be eligible to receive an allowance under the provisions of RCW 41.32-.755 through 41.32.825. Such member shall receive a monthly disability allowance computed as provided for in RCW 41.32.760 and shall have such allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age sixty-five.

Any member who receives an allowance under the provisions of this section shall be subject to such comprehensive medical examinations as required by the department. If such medical examinations reveal that such a member has recovered from the incapacitating disability and the member is offered reemployment by an employer at a comparable compensation, such member shall cease to be eligible for such allowance.

(2)(a) If the recipient of a monthly retirement allowance under this section dies before the total of the retirement allowance paid to the recipient equals the amount of the accumulated contributions at the date of retirement, then the balance shall be paid to such person or persons having an insurable interest in his or her life as the recipient has nominated by written designation duly executed and filed with the director, or, if there is no such designated person or persons still living at the time of the recipient's death, then to the surviving spouse, or, if there is neither such designated person or persons still living at the time of his or her death nor a surviving spouse, then to his or her legal representative.

(b) If a recipient of a monthly retirement allowance under this section died before April 27, 1989, and before the total of the retirement allowance paid to the recipient equaled the amount of his or her accumulated contributions at the date of retirement, then the department shall pay the balance of the accumulated contributions to the member's surviving spouse or, if

there is no surviving spouse, then in equal shares to the member's children. If there is no surviving spouse or children, the department shall retain the contributions.

Sec. 21, Section 8, chapter 295, Laws of 1977 ex. sess. as last amended by section 3, chapter 191, Laws of 1989 and RCW 41.40.670 are each amended to read as follows:

(1) A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the department upon recommendation of the retirement board shall be eligible to receive an allowance under the provisions of RCW 41.40-.610 through 41.40.740. Such member shall receive a monthly disability allowance computed as provided for in RCW 41.40.620 and shall have such allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age sixty-five.

Any member who receives an allowance under the provisions of this section shall be subject to such comprehensive medical examinations as required by the department. If such medical examinations reveal that such a member has recovered from the incapacitating disability and the member is offered reemployment by an employer at a comparable compensation, such member shall cease to be eligible for such allowance.

(2) The retirement for disability of a judge, who is a member of the retirement system, by the supreme court under Article IV, section 31 of the Constitution of the state of Washington (House Joint Resolution No. 37, approved by the voters November 4, 1980), with the concurrence of the retirement board, shall be considered a retirement under subsection (1) of this section.

(3)(a) If the recipient of a monthly retirement allowance under this section dies before the total of the retirement allowance paid to the recipient equals the amount of the accumulated contributions at the date of retirement, then the balance shall be paid to such person or persons having an insurable interest in his or her life as the recipient has nominated by written designation duly executed and filed with the director, or, if there is no such designated person or persons still living at the time of the recipient's death, then to the surviving spouse, or, if there is neither such designated person or persons still living at the time of his or her death nor a surviving spouse, then to his or her legal representative.

(b) If a recipient of a monthly retirement allowance under this section died before April 27, 1989, and before the total of the retirement allowance paid to the recipient equaled the amount of his or her accumulated contributions at the date of retirement, then the department shall pay the balance of the accumulated contributions to the member's surviving spouse or, if there is no surviving spouse, then in equal shares to the member's children. If there is no surviving spouse or children, the department shall retain the contributions.

NEW SECTION. Sec. 22. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 22, Laws of 1961 ex. sess., section 2, chapter 151, Laws of 1967 and RCW 41.32.493;

(2) Section 1, chapter 35, Laws of 1970 ex. sess., section 2, chapter 147, Laws of 1972 ex. sess. and RCW 41.32.4932; and

(3) Section 9, chapter 168, Laws of 1973 1st ex. sess. and RCW 41.40.508.

NEW SECTION. Sec. 23. The repeal of RCW 41.32.493, 41.32.4932, and 41.40.508 by section 22 of this act shall not be construed as affecting any existing right acquired under those sections or under any rule or order adopted under those sections, nor as affecting any proceedings instituted under those sections.

NEW SECTION. Sec. 24. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void."

MOTION

On motion of Senator Rasmussen, the following amendment by Senators Rasmussen, Wojahn, Williams, Talmadge and Warnke to the Committee on Ways and Means amendment was adopted:

On page 1, following line 5, insert the following:

"Sec. 1. Section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 1, chapter 418, Laws of 1987 and RCW 41.26.030 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the "Washington law enforcement officers' and fire fighters' retirement system" provided herein.

(2) (a) "Employer" for persons who establish membership in the retirement system on or before September 30, 1977, means the legislative authority of any city, town, county or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the fire fighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or fire fighters as defined in this chapter.

(b) "Employer" for persons who establish membership in the retirement system on or after October 1, 1977, means the legislative authority of any city, town, county, or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter.

(3) "Law enforcement officer" means any person who is serving on a full time, fully compensated basis as a county sheriff or deputy sheriff, including sheriffs or deputy sheriffs serving under a different title pursuant to a county charter, city police officer, or town marshal or deputy marshal, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers;

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended) if such individual has five years previous membership in the retirement system established in chapter 41.20 RCW; PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply; and

(e) The term "law enforcement officer" also includes any person employed on or after November 1, 1975, and prior to December 1, 1975, as a director of public safety so long as the duties of the director substantially involve only police and/or fire duties and no other duties.

(4) "Fire fighter" means:

(a) any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for fire fighter, or fireman if this title is used by the department, and who is actively employed as such;

(b) anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination;

(c) supervisory fire fighter personnel;

(d) any full time executive secretary of an association of fire protection districts authorized under RCW 52.12.031; PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply;

(e) the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW; PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply;

(f) any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for fireman or fire fighter;

(g) any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971 was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW; and

(h) the term "fire fighter" also includes any person employed on or after November ((H-)) 1, 1975, and prior to December 1, 1975, as a director of public safety so long as the duties of the director substantially involve only police and/or fire duties and no other duties.

(5) "Retirement board" means the Washington public employees' retirement system board established in chapter 41.40 RCW, including two members of the retirement system and two employer representatives as provided for in RCW 41.26.050. The retirement board shall be called the Washington law enforcement officers' and fire fighters' retirement board and may enter in legal relationships in that name. Any legal relationships entered into in that name prior to the adoption of this 1972 amendatory act are hereby ratified.

(6) "Surviving spouse" for persons who establish membership in the retirement system on or before September 30, 1977, means the surviving widow or widower of a member(~~The word shall not include the divorced spouse of a member~~) or an ex-spouse who has been provided benefits under any court decree of dissolution or legal separation or in any court order or court approved property settlement agreement incident to any court decree of dissolution or legal separation. In order to qualify as a surviving spouse under this subsection: (a) A person shall have been married to the member for at least one year prior to the member's retirement or separation from service if a vested member; (b) the decree or court order must be currently

effective; and (c) the decree or court order must have been entered after the member's retirement and prior to December 31, 1979. If two or more persons are eligible as surviving spouses under this subsection, benefits shall be divided between the surviving spouses based on the percentage of total service credit the member accrued during each marriage. This definition shall apply retroactively.

(7) "Child" or "children" whenever used in this chapter means every natural born child and stepchild where that relationship was in existence prior to the date benefits are payable under this chapter, posthumous child, child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter, and illegitimate child legitimized prior to the date any benefits are payable under this chapter, all while unmarried, and either under the age of eighteen years or mentally or physically handicapped as determined by the retirement board except a handicapped person in the full time care of a state institution. A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(8) "Member" means any fire fighter, law enforcement officer, or other person as would apply under subsections (3) or (4) of this section whose membership is transferred to the Washington law enforcement officers' and fire fighters' retirement system on or after March 1, 1970, and every law enforcement officer and fire fighter who is employed in that capacity on or after such date.

(9) "Retirement fund" means the "Washington law enforcement officers' and fire fighters' retirement system fund" as provided for herein.

(10) "Employee" means any law enforcement officer or fire fighter as defined in subsections (3) and (4) above.

(11) (a) "Beneficiary" for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(12) (a) "Final average salary" for persons who establish membership in the retirement system on or before September 30, 1977, means (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (iv) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(b) "Final average salary" for persons who establish membership in the retirement system on or after October 1, 1977, means the monthly average of the member's basic salary for the highest consecutive sixty months of service prior to such member's retirement, termination, or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary.

(13) (a) "Basic salary" for persons who establish membership in the retirement system on or before September 30, 1977, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(b) "Basic salary" for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay; PROVIDED, That in any year in which a member serves in the legislature the member shall have the option of having such member's basic salary be the greater of:

(i) the basic salary the member would have received had such member not served in the legislature; or

(ii) such member's actual basic salary received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because basic salary under subparagraph (i) of this subsection is greater than basic salary

under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(14) (a) "Service" for persons who establish membership in the retirement system on or before September 30, 1977, means all periods of employment for an employer as a fire fighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all months of service rendered by a member from and after the member's initial commencement of employment as a fire fighter or law enforcement officer, during which the member worked for seventy or more hours, or was on disability leave or disability retirement. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. In addition to the foregoing, for members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall include (i) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under the member's particular prior pension act, and (ii) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act: PROVIDED, That if such member's prior service is not creditable due to the withdrawal of his contributions plus accrued interest thereon from a prior pension system, such member shall be credited with such prior service, as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to that which was withdrawn from the prior system by such member, as a law enforcement officer or fire fighter: PROVIDED FURTHER, That if such member's prior service is not creditable because, although employed in a position covered by a prior pension act, such member had not yet become a member of the pension system governed by such act, such member shall be credited with such prior service as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to the employer's contributions which would have been required under the prior act when such service was rendered if the member had been a member of such system during such period: AND PROVIDED FURTHER, That where a member is employed by two employers at the same time, he shall only be credited with service to one such employer for any month during which he rendered such dual service.

(b) "Service" for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for which basic salary is earned for ninety or more hours per calendar month.

Members of the retirement system who are elected or appointed to a state elective position may elect to continue to be members of this retirement system.

Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

If a member receives basic salary from two or more employers during any calendar month, the individual shall receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

(15) "Accumulated contributions" means the employee's contributions made by a member plus accrued interest credited thereon.

(16) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay the member's future benefits during the period of retirement.

(17) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(18) "Disability board" means either the county disability board or the city disability board established in RCW 41.26.110 for persons who establish membership in the retirement system on or before September 30, 1977.

(19) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to the member's full salary prior to the commencement of disability retirement. The definition contained in this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(20) "Disability retirement" for persons who establish membership in the retirement system on or before September 30, 1977, means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(21) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(22) "Medical services" for persons who establish membership in the retirement system on or before September 30, 1977, shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses", provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopath licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic x-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes, and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when he is injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW.

(23) "Regular interest" means such rate as the director may determine.

(24) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(25) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(26) "Director" means the director of the department.

(27) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(28) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Substitute House Bill No. 2643.

The Committee on Ways and Means striking amendment, as amended, to Substitute House Bill No. 2643 was adopted.

MOTIONS

On motion of Senator Johnson, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 2.10.146, 41.26.460, 41.32.498, 41.32.530, 41.32.785, 41.40.185, 41.40.190, 41.40.660, 41.40.270, 41.32.497, 2.10.144, 41.26.510, 41.32.520, 41.32.805, 41.40.700, 41.32.790, and 41.40.670; reenacting and amending RCW 41.40.150 and 41.26.470; adding a new section to chapter 41.40 RCW; creating new sections; and repealing RCW 41.32.493, 41.32.4932, and 41.40.508."

On page 32, line 20 of the title amendment, after "RCW 2.10.146" insert "41.26.030."

On motion of Senator Johnson, Substitute House Bill No. 2643, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2643, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2643, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Absent: Senator Barr - 1.

SUBSTITUTE HOUSE BILL NO. 2643, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2296, by Committee on Commerce and Labor (originally sponsored by Representatives Cole, Smith, Vekich, Prince, Leonard, Chandler, Walker, Prentice, Jones, R. King, Jacobsen, McLean, Wolfe and Kirby)

Regulating business relationships between manufacturers and distributors of agriculture equipment and independent retail dealers.

The bill was read the second time.

MOTION

On motion of Senator Lee, the following Committee on Economic Development and Labor amendment was adopted:

On page 1, line 25, after "services" insert ", but does not include dealers covered by chapter 46.70 or 46.94 RCW"

MOTION

On motion of Senator Matson, the following amendment by Senators Matson and Lee was adopted:

On page 1, line 17, after "means" strike "machines" and insert "machinery consisting of a framework, various fixed and moving parts, driven by an internal combustion engine, and all other implements associated with this machinery that are"

MOTION

On motion of Senator Lee, Substitute House Bill No. 2296, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2296, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2296, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Absent: Senator Moore - 1.

SUBSTITUTE HOUSE BILL NO. 2296, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2850, by Representatives Raiter, Doty, Cantwell, Rayburn and Wineberry

Revising provisions for the Washington economic development finance authority.

The bill was read the second time.

MOTION

On motion of Senator Lee, Engrossed House Bill No. 2850 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lee: "Senator McDonald, we are now on the Economic Development Finance Authority Bill and we have worked out a possible amendment that you might take to the Conference Committee to be sure that the seed money that they need to have is available to them and I wanted to ask you about that funding."

Senator McDonald: "Actually, Senator Lee, as you know, the Governor appropriated about one point seven million dollars of that fund and took it and put it in the general fund--federal money. We, in the Senate and in the House, took two point four million dollars. You and I have talked about the possibility of, in the Conference Committee, talking about the seven hundred thousand dollars and making it one point seven million. We will discuss that as I have indicated in the Conference Committee."

Senator Lee: "Thank you, Senator McDonald, because this particular measure is now supported widely, not only by Labor and Industry, but also by the financial community and it really needs a little bit of gas in the gas tank to get it going and I appreciate your willingness to do that."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2850.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2850 and the bill passed the Senate by the following vote: Yeas, 49.

Voting ye: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Seilar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

ENGROSSED HOUSE BILL NO. 2850, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6799, by Senators Metcalf, Kreidler, Barr, Owen, Rinehart, Anderson, Lee, Patrick, Sutherland and Talmadge (by request of Governor Gardner)

Protecting wetlands.

MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 6799 was substituted for Senate Bill No. 6799 and the substitute bill was placed on second reading and read the second time.

Senator Barr moved that the following amendment be adopted:
Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. PURPOSE AND INTENT. (1) It is the intent of this chapter to preserve, protect, manage, and regulate wetlands state-wide for the purposes of promoting public health, safety, and general welfare, while: (a) Conserving fish, wildlife, and other natural resources of the state; (b) protecting the ecological and economic benefits to the public of wetlands functions and values; (c) regulating property use and development while maintaining the natural and economic benefits provided by wetlands, consistent with the general welfare of the state; (d) protecting private property rights; (e) providing private landowners an opportunity, within a regulated environment, to manage and develop their property for economic benefit; (f) providing for the systematic review of activities in and around wetlands so that the public benefits of wetlands are considered and protected; (g) creating a wetlands protection and management program on a cooperative basis between the state and local governments; and (h) avoiding the duplication of permit approvals through integrated regulatory procedures.

(2) It is the further intent of this chapter to provide additional protection for wetlands in areas of high growth because these wetlands are subject to greater pressure for conversion to other uses and experience greater impact from surrounding development. It is also the intent of the legislature to not impose overly burdensome regulation on areas that are sparsely populated, losing population, or are growing slowly.

(3) It is the goal of the state of Washington to achieve no overall net loss of the remaining wetlands base, defined by acreage and function. The goal does not imply that individual wetlands will in every instance be untouchable or that the overall no-net-loss goal can be achieved solely on an individual permit basis, only that the overall wetlands base reach equilibrium between losses and gains.

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

(1) "Department" means the department of ecology.

(2) "Director" means the director of the department of ecology.

(3) "Existing and ongoing agriculture" includes those activities conducted on lands defined in RCW 84.34.020(2), private upland fin fish hatching and rearing facilities, and those activities involved in the production of crops, livestock, or commercially reared fish, for example, the operation and maintenance of farm, stock and commercial upland fish ponds or drainage ditches, operation and maintenance of ditches, intake and discharge systems, irrigation systems including irrigation diversions, laterals, canals, or irrigation drainage ditches, changes between agricultural activities, and normal maintenance, repair, or operation of existing serviceable structures, facilities, dikes, or improved areas. Activities that bring a regulated wetland into agricultural use are not part of an ongoing operation. An operation ceases to be ongoing when the area on which it is conducted is proposed for conversion to a nonagricultural use or has lain idle for more than seven years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity. Forest practices are not included in this definition.

(4) "High-growth area" means any county that has had its population increase by more than ten percent in the previous ten years and has a population of over thirty thousand, and all counties consisting of islands.

(5) "Low or no-growth areas" means those counties that are not defined as high-growth areas.

(6) "Local government" means any county, city, or town that contains within its boundaries any regulated wetland subject to the provisions of this chapter.

(7) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state, local, or other governmental unit.

(8) "Regulated wetland" means ponds twenty acres or less, including their submerged aquatic beds, and only those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Regulated wetlands generally include swamps, marshes, bogs, and similar areas. Regulated wetlands do not include those artificial wetlands intentionally created from nonwetland sites. These include, but are not limited to, irrigation and drainage ditches, grass-lined canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. Wetlands created as mitigation and wetlands modified for approved land use activities shall be considered as regulated wetlands.

(9) "State wetlands rating system" means the method developed and adopted by the department based on four tiers for differentiating wetlands based on specific characteristics or functional attributes.

(10) "Wetland buffer" or "buffer" means lands bordering regulated wetlands which are to be managed only to the extent necessary to protect the functions and values of regulated wetlands. As used in this chapter, the term shall apply only as provided in section 7 of this act.

(11) "Wetlands permit" is any permit issued by local government to administer the provisions of this chapter.

(12) "Wetlands program" means a program adopted by a local government and approved by the department to protect and manage regulated wetlands and their buffers.

(13) "Wetlands standards" means those standards defined in this chapter or adopted by the department by rule or by local governments in their wetlands programs under this chapter.

(14) "Wetlands of state-wide significance" means those regulated wetlands determined by rule of the department that have characteristics of exceptional resource value which should be afforded the highest levels of protection.

NEW SECTION. Sec. 3. ELEMENTS OF A WETLANDS PROGRAM—ADOPTION OF WETLANDS PROGRAMS. (1) A wetlands program sufficient to meet the requirements of this chapter shall include:

(a) An inventory for all regulated wetlands, as funding permits;
(b) Specific rules governing the activities listed in section 5(1) of this act when the activities occur in a regulated wetland or its buffer;

(c) Identification and description of local permits to be used in administering the wetlands program;

(d) A program for administering the permits required under section 5 of this act;

(e) New or amended provisions, where necessary, of local plans, programs, and ordinances;

(f) Provisions relating to enforcement;

(g) A mitigation plan and standards consistent with the requirements of this chapter and rules adopted under this chapter;

(h) A mitigation policy that requires persons undertaking development of upland areas to pay the increased costs including cleaning ditches and canals, draining wetlands created by the run-off caused by development of upland areas, and pumping the additional water from adjacent farmlands that are in an agricultural preservation area as designated by a county;

(i) Any wetlands impact assessment process established under section 11(3) of this act regarding water use efficiency improvements, if appropriate;

(j) A description and location of facilities approved, constructed, or managed for storm water management that utilize regulated wetlands;

(k) An element for monitoring and considering cumulative effects of wetlands alteration from proposed projects; and

(l) An element that requires wetlands owned by or under the management control of state agencies to control noxious weeds identified under RCW 17.10.080.

(2) (a) Using the checklist and guidelines for the evaluation of risk and avoidance of unanticipated takings prepared by the attorney general under subsection (4) of this section, local governments shall determine alternatives to a proposed local program or action that would fulfill the government's legal obligations but that would reduce the impact on the private property owner and thus the taking risk.

(b) Local governments shall consider provisions designed to encourage voluntary compliance by landowners including, but not limited to, offsetting or compensatory incentives such as permitting greater density in the adjoining uplands, transferring development rights to other uplands, and/or reduced assessed valuations for property taxes on property enrolled in the open spaces program under chapter 84.34 RCW.

(3) The department shall develop and adopt rules for local wetlands programs, and procedures for program implementation and permit review.

(4) For the purpose of administering this chapter, the attorney general shall develop a checklist and guidelines for the evaluation of risk and avoidance of unanticipated takings by July 1, 1990, to assist local governments in the identification and evaluation of governmental acts and policies which have takings implications. The development of a checklist and guidelines shall not be construed to insure local governments against liability for takings, or to render any state agency or state officer liable for a taking.

(5) Except as provided in section 13(2) of this act, every local government shall prepare a proposed program and submit it to the department according to the following schedule:

(a) All counties bordering Puget Sound and cities and towns within such counties no later than July 1, 1992;

(b) All other counties, cities, and towns no later than July 1, 1993.

(6) Before submission of a proposed program, a local government shall hold public hearings on the proposal.

(7) Local governments that have wetlands programs or equivalent programs in effect by February 20, 1990, that substantially comply with the spirit and intent of this chapter and that are at least as stringent in wetlands protection as this chapter, are deemed in compliance with this chapter and shall be so certified by the department.

(8) Local governments shall submit wetlands programs or equivalent programs adopted after February 20, 1990, but before the adoption of rules by the department, to the department for approval that the program substantially complies with the intent and policies of sections 4 and 7 of this act. The local government programs must:

(a) Comply with the provisions of sections 2(8), 5, 6, and 8 of this act and all other mandatory state-wide provisions of this chapter;

(b) Amend their programs to substantially comply with state rules adopted by the department pursuant to this chapter. Any required amendments must be completed within six months of the adoption of rules by the department.

The department shall approve or deny approval of the program or provide specific modifications that must be made in order for the program to be approved within ninety days after receipt of the submittal by the local government.

After approval, major and minor amendments to existing programs shall comply with the provisions of subsection (11) of this section.

(9) After adoption of rules by the department, and within ninety days after receipt of a proposed program from a local government, the department shall approve the proposal or notify the local government as to specific modifications that must be made in order for the proposal to be approved. The department's approval shall be based on the program's compliance with the intent, policies, and standards of this chapter and the rules adopted by the department. After adoption of rules by the department, any future modifications to a certified program shall be made in consideration of the intent and policies of this chapter and the rules adopted by the department.

(10) Following the department's approval of a proposed program, the local government shall adopt and implement the program.

(11) The department shall adopt rules specifying major and minor program amendments. Major amendments shall be submitted to and acted upon by the department in the same manner as the original program. Notice of minor amendments shall be submitted to the department following local government adoption.

(12) A wetlands management program developed after the dates specified in subsection (5) of this section shall be effective only after approval by the department and subsequent adoption by local government. Local government shall inform the department of the effective date of the program.

(13) Wetlands management rules developed and adopted by the department as criteria for program implementation and permit review for local governments shall govern while local plans are being developed or in the absence of local programs.

NEW SECTION, Sec. 4. WETLANDS RATING SYSTEM. (1) The department shall develop and adopt a four-tiered wetlands rating system with the highest category being wetlands of state-wide significance. The department shall provide by rule an option for local governments to combine the two top tiers of the four tiers. The department shall develop the wetlands rating system with assistance of an advisory committee comprised of interested parties.

(2) Local governments shall rate wetlands within their jurisdictions according to the rating system.

NEW SECTION, Sec. 5. WETLANDS PERMITS—APPROVED LOCAL PERMITS—STANDARDS FOR ISSUANCE—NOTICE—DEPARTMENT REVIEW. (1) Except as provided in section 6 of this act, a permit shall be obtained from the appropriate local government prior to undertaking the following activities in a regulated wetland or its buffer:

(a) The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;

(b) The dumping, discharging, or filling with any material;

(c) The draining, flooding, or disturbing of the water level or water table;

(d) The driving of pilings;

(e) The placing of obstructions;

(f) The construction, reconstruction, demolition, or expansion of any structure;

(g) The destruction or alteration of wetlands vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland, provided that these activities are not part of a forest practice regulated under section 6 of this act or undertaken to control noxious weeds identified pursuant to RCW 17.10.080;

(h) Activities that result in the introduction of pollutants in excess of water quality standards or a significant change of chemical characteristics of wetlands water sources.

(2) Local governments, consistent with rules of the department, shall designate in their wetlands programs, activities, if any, not requiring a permit under subsection (1) of this section where the activities are minor, including activities of a temporary nature or ongoing uses, and have minimal adverse impacts on regulated wetlands.

(3) Local governments shall establish a program, consistent with rules adopted by the department, for the administration and enforcement of the permit system provided in this section, which shall be included in the wetlands program required by section 3 of this act. Local governments are authorized to incorporate the permit system into existing local government permit systems to avoid duplicate permitting, where the existing permit system is made consistent with the requirements of this chapter.

(4) A permit shall only be granted if the permit, as conditioned, is consistent with the provisions of a local wetlands program.

(5)(a) Local government shall provide notice of applications to the public for wetlands permits pursuant to rules developed by the department and shall use to the extent practical existing permit notification procedures. Notification procedures shall be specified in local programs.

(b) The department shall, by rule, specify procedures for notification of permit applications and time limits for comment by the department for permits related to wetlands of state-wide significance and their buffers. No permit shall be issued under this subsection prior to receipt of such comments or the expiration of the time period set by rule.

(6) Wetlands permits shall not be effective and no activity thereunder shall be allowed during the time provided to file a permit appeal.

(7) Upon receipt of a complete application for a permit authorizing activities on a wetland of state-wide significance or its buffer, local governments shall submit the application to the department for its approval or disapproval. The department shall submit its decision and the reasons for the decision within the times established pursuant to rules adopted under subsection (5)(b) of this section.

(8) Notwithstanding the provisions of subsection (1) of this section, a forest practice regulated by chapter 76.09 RCW occurring on lands not being converted to a nonforest use or planted since 1960 or otherwise exempt from local permits is not subject to this section.

NEW SECTION. Sec. 6. (1) Activities described in this section and conducted in compliance with this section may be undertaken without obtaining a permit under section 5 of this act. Except as provided in this section, local governments shall not require wetlands permits or otherwise impose conditions under this chapter on the following activities.

(2) The person conducting the activity shall be required to provide prior notification to the appropriate local government except for activities described in subsection (3) (a), (b), (d), (m), and (n) of this section.

(3) The following activities are governed by this section:

(a) Existing and ongoing agriculture as defined in section 2 of this act. Best management practices as developed by conservation districts shall be encouraged;

(b) Water use efficiency improvements related to existing and ongoing agriculture, provided such improvements are subject to the wetlands impact assessment process developed by the department according to section 11(3) of this act and adopted by local government according to section 3(1)(i) of this act;

(c) Water use efficiency improvements related to existing and ongoing agriculture undertaken to increase supplies in response to prorated water allocations or as a result of a water rights adjudication;

(d) Forest practices as regulated and conducted in accordance with the provisions of chapter 76.09 RCW and forest practice rules;

(e) Activities to control mosquitoes conducted by public agencies;

(f) Existing and ongoing private upland fin fish facilities;

(g) Activities affecting regulated wetlands where the wetland is less than fifteen thousand square feet and within class three and class four wetlands, except that a person who constructs a single-family residence and will not occupy the residence being constructed or constructs a commercial structure on a regulated wetland and the wetland is less than fifteen thousand square feet shall, before commencing construction, pay into a wetland mitigation bank established by the local government in which the wetland is located an amount equal to six-tenths of the assessed valuation of any one acre tract adjoining the wetland as shown in the most recent tax statement for the property;

(h) Activities related to the construction or reconstruction of single-family residences and appurtenances affecting regulated wetlands on properties where the wetland is greater than fifteen thousand square feet and less than thirty-five thousand square feet, the size of which shall be determined by local government within a class four wetlands provided that the residence is to be occupied by the person for whom the residence is being constructed;

(i) Maintenance, operation, and reconstruction of existing private and public roads, streets, railroads, utilities, and associated structures, and serviceable freshwater and marine terminals that are part of an existing and ongoing public port facility. The department shall provide by rule, notification requirements for such activities that may have adverse impacts to adjacent regulated wetlands. Reconstruction of an existing serviceable structure associated with the roads, streets, railroads, utilities, or freshwater and marine public port terminals, shall be allowed if the reconstruction does not increase the ground floor area, unless the local government with wetlands jurisdiction determines that there is an alternate suitable location within the land parcel that would result in less impact to wetlands. Reconstruction of freshwater and marine public port terminals shall be commenced within five years of damage or destruction;

(j) Maintenance or reconstruction of residential structures, commercial structures, or structures related to existing and ongoing agricultural practices as defined in section 2 of this act, under the following conditions:

(i) Reconstruction shall be commenced within five years of the damage or destruction;

(ii) Notification shall be required for reconstruction;

(iii) Reconstruction shall not increase the ground floor area and shall be limited to the existing site. Local government with wetlands jurisdiction may request an alternative location within the land parcel that would result in less adverse impacts to regulated wetlands;

(k) Storm water management facilities approved, constructed, or managed for storm water management prior to the effective date of this act;

(l) Surface coal mining activities licensed under Public Law 95-87 as of the effective date of this act, for so long as these lands are covered by the permit issued pursuant to Public Law 95-87;

(m) Hardrock mineral extraction operations not including sand and gravel operations or road construction. No tailings or other materials may be placed on wetlands of state-wide significance. Best management practices and operating plan submittals as required by the department of natural resources and nonpoint source water quality protection provisions as developed by the department shall be followed;

(n) Activities and construction necessary on an emergency basis to prevent an immediate threat to public health and safety, or public or private property. Notification as soon as practical to the local government shall be required; and

(o) Activities of a temporary nature, or activities which represent ongoing uses having minimal adverse impact to regulated wetlands, described in local wetlands programs pursuant to rules adopted by the department.

(4) Provisions of this section shall not apply to any activity conducted for the purpose of conversion of a regulated wetland to a use to which it was not previously subjected.

NEW SECTION, Sec. 7. WETLANDS BUFFERS. (1) Wetlands buffers shall be managed in high growth areas to protect the functions and values of regulated wetlands from adverse impacts of activities on adjacent lands.

(2) The department shall adopt rules that provide ranges of wetlands buffer sizes only to the extent necessary to protect wetlands functions and values based on wetlands rating system categories, types and intensity of adjacent land uses, population density, and the geographic diversity of the state. The department shall file any proposed rules or amendments to existing rules that pertain to buffer sizes or restrictions on the use of buffer areas with the code reviser's office no later than November 21, 1990. Such rules shall take effect at the end of the next regular legislative session as long as no changes are made to the proposed rules.

(3) Local governments in high-growth areas shall incorporate wetlands buffer sizes into their local wetlands programs from within the ranges provided by department rules, unless the local government determines that a larger or smaller buffer is necessary to protect wetlands functions or values based on local conditions. This determination shall be supported by appropriate documentation showing that it is necessary to protect the functions and values of regulated wetlands. Such determination shall be included with the submission of the local wetlands program or any amendment to the department for approval.

(4) Local governments in low or no-growth areas may not incorporate wetland buffer sizes into their local wetlands programs for class 2, 3, and 4 wetlands. Local governments in low or no-growth areas may incorporate wetland buffer sizes for wetlands of state-wide significance.

(5) County governments shall have the option in sparsely populated lands within high-growth areas to not establish buffers adjacent to regulated wetlands except wetlands of state-wide significance. "Sparsely populated lands" means those areas that have one or fewer single-family dwelling units per five or more acres.

NEW SECTION, Sec. 8. MITIGATION. (1) For activities subject to the permit requirement under section 5 of this act, all adverse impacts to wetlands functions, values, and acreage shall be mitigated.

(2) Mitigation, in the descending order of preference, is as follows:

(a) Avoiding the impact altogether by not taking a certain action or part of an action;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

(e) Compensating for the impact by replacing, enhancing, or providing substitute wetlands resources or utilizing mitigation banking opportunities provided under subsection (10) of this section if available.

(3) In developing rules for the sequencing of mitigation preferences, the department shall include criteria for avoidance whereby avoidance requirements are most stringent for wetlands in the highest rating system category and least stringent for wetlands in the lowest rating system category. Mitigation sequencing will begin with subsection (2)(a) of this section for wetlands within the two highest rating system categories, and for the two lowest categories mitigation sequencing will begin with subsection (2)(b) of this section. Rules governing mitigation sequencing shall further provide for consideration of public benefit, including those that may

derive from the enhancement of wetlands of a lower rating system category to a higher rating system category, or from water dependent uses.

(4) Prior to local government approval of a proposal that includes less preferred mitigation, the applicant must demonstrate that:

(a) No overall net losses will occur in wetland functions, values, and acreage;

(b) The restored, created, or enhanced wetland will be as persistent as the wetland it replaces;

(c) The project applicant demonstrates sufficient scientific expertise, supervisory capability, and financial resources to carry out the proposal; and

(d) The project applicant agrees to demonstrate the capability for monitoring the site for a period of time adequate to determine its long-term success.

(5) Where regulated wetlands are altered, the project applicants shall restore or create equivalent areas of wetlands in order to compensate for wetland losses. Equivalent areas shall be determined according to function, acreage, type, location, time factors, and projected success.

(6) Where feasible, restored or created wetlands shall be a higher category than the altered wetland.

(7) The department shall develop and adopt acreage replacement ratios by wetlands rating categories. Activities in higher wetlands rating system categories shall require more stringent mitigation.

(8) A local government shall require an approved mitigation plan as a condition of issuance of a permit under section 5 of this act for activities in regulated wetlands and their buffers. Mitigation plans for wetlands of state-wide significance and their buffers shall require approval of the department.

(9) Each mitigation plan shall provide that:

(a) All identified adverse impacts are mitigated;

(b) Monitoring of mitigation be performed for a period adequate to determine its long-term success;

(c) A contingency plan is available that identifies actions to be taken if the implemented mitigation is unsuccessful;

(d) The permittee is financially responsible for additional mitigation action should any element of the mitigation plan fail;

(e) Mitigation shall be implemented concurrently with the regulated activity under the permit, except that local governments may establish performance standards and require mitigation be completed no later than the date upon which the regulated activity may proceed under the permit, if the likelihood of success is substantially doubtful. Financial assurance may be in the form of a bond or other acceptable forms of security.

(10) Any person may participate in wetlands mitigation banking by proposing to create wetlands to compensate for wetlands impacts. A proposal for a wetlands bank creation project shall be submitted for department and local government approval. If approved by the department and the local government, the mitigating wetlands created may upon application by the proponent and concurrence of the owner of the created wetland be counted as mitigation for on-site or off-site wetlands impacts.

(11) Compensatory mitigation of impacts to wetlands buffers shall be only that necessary to protect wetlands functions and values and to avoid or minimize adverse impacts to regulated wetlands.

(12) Local governments shall not require additional mitigation pursuant to other authorities for impacts to regulated wetlands functions and values or their buffers when mitigation is required pursuant to this section to minimize those impacts.

(13) This section does not apply to construction, reconstruction, or maintenance of single-family residences and appurtenant buildings on lots platted by the effective date of this act on regulated wetlands one-half acre or less in size and within the lowest wetlands rating system category adopted by the local government.

(14) The department shall adopt rules to implement this section.

NEW SECTION, Sec. 9. ENFORCEMENT—CIVIL PENALTY—ADMINISTRATIVE ORDERS—ACTIONS FOR DAMAGES AND RESTORATION. (1) The department and local governments are authorized to bring appropriate actions at law or equity, including actions for injunctive relief, to ensure that no uses are made of regulated wetlands or their buffers that are inconsistent with the requirements of this chapter, the rules of the department, or an applicable wetlands program.

(2) Any person who undertakes any activity within a regulated wetland or its buffer without first obtaining a permit required by this chapter, or any person who violates the conditions of any permit required by this chapter or of any order issued under subsection (3) of this section shall incur a civil penalty of up to one thousand dollars per violation. In the case of a continuing violation, each permit violation and each day of activity without a required permit shall be a separate and distinct violation. The penalty amount shall be set in consideration of the previous history of the violator and the severity of the environmental impact of the violation. The penalty provided in this subsection by the department shall be imposed under the

procedures set forth in RCW 43.21B.300, except as provided in section 10 of this act. The penalty provided in this subsection and imposed by local government shall be appealable to the superior court within the subject jurisdiction.

(3) Whenever any person violates this chapter or any permit issued under this chapter, the department or local government may issue an order reasonably appropriate to cease the violation and to mitigate any environmental damage resulting from the violation. Orders issued under this subsection by the department may be appealed under section 10 of this act. Orders issued under this subsection by local governments may be appealed as provided for by local ordinance or as otherwise allowed by law or as provided in section 10(2) of this act.

(4) The shorelines hearings board shall conduct the reviews authorized by this section as adjudicatory proceedings under chapter 34.05 RCW. Judicial review of the decisions of the shorelines hearings board shall be under chapter 34.05 RCW.

(5) Any person subject to the jurisdiction of this chapter who violates any provision of this chapter or a permit issued under this chapter shall be liable for all damage to public or private property arising from the violation, including the cost of restoring the affected area to its condition prior to violation. The attorney general or local government attorney shall bring suit for damages under this section on behalf of the state or local governments. Private persons shall have the right to bring suit for damages under this section on their own behalf and on behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by a violation, the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including monetary damages, the court in its discretion may award attorneys' fees and costs of the suit to the prevailing party.

NEW SECTION. Sec. 10. APPEALS TO THE SHORELINES HEARINGS BOARD—STAY PENDING APPEAL—JUDICIAL REVIEW. (1) Any person aggrieved by the issuance, denial, or rescission of a wetlands permit governing activity on a wetland of state-wide significance or its buffer may appeal the same within thirty days to the shorelines hearings board.

(2) Any person aggrieved by the issuance, denial, or rescission of any wetlands permit, who wishes to appeal to the shorelines hearings board and believes their appeal raises programmatic issues may, within thirty days after exhaustion of local appeals, file a request with the department to certify their appeal to the shorelines hearings board. The department shall rule upon the request within thirty days of receipt. If the department determines, in its discretion, that the appeal raises programmatic issues it shall certify the case to the shorelines hearings board, which shall take jurisdiction over the appeal. If the department fails to certify, or denies certification, then the time period to otherwise appeal the permit decision begins to run on the date of the department's action, or thirty days after filing the request, whichever is sooner.

(3) Activities authorized by permits appealed to the shorelines hearings board are stayed and may not be undertaken until thirty days from the final order of the shorelines hearings board, affirming the permit, unless the appellant by written stipulation agrees to an earlier lifting of the stay.

(4) The shorelines hearings board shall conduct the review authorized by this section as an adjudicative proceeding under chapter 34.05 RCW. The determination of a stay pending review shall be under RCW 34.05.550.

(5) Except as provided in subsections (1) and (2) of this section, appeal of wetland permits at the local level shall be governed by the law otherwise applicable to appeal of local permits used to administer this chapter.

NEW SECTION. Sec. 11. DUTIES, RESPONSIBILITIES, AND POWERS OF THE DEPARTMENT. The department shall have authority to:

(1) Adopt rules for the development and adoption of local wetlands programs, buffers, mitigation, wetlands standards, notification procedures, wetlands program implementation and permit review process for local governments to serve in the absence of adopted local programs, criteria for designating location and extent of regulated wetlands, and such other rules as are necessary to carry out the provisions of this chapter. Rules shall be adopted by July 1, 1991. Prior to adopting rules under this subsection, the department shall consult with local governments, agencies with expertise, and affected Indian tribes, and shall provide for adequate public involvement;

(2) Approve, periodically review, require modifications to wetlands programs and major program amendments, and take appropriate actions to ensure compliance with wetlands standards;

(3) Develop a wetlands impact assessment process in conjunction with the demonstration conservation plan required by RCW 90.54.190 to balance the public policies of wetlands protection and water use efficiency to be implemented consistent with chapter 90.03 RCW with input from representatives of water users, members of the public, local governments, tribal governments, and the departments of agriculture, fisheries, and wildlife for adoption into local wetlands programs, where applicable, to assist in local decision making regarding water use efficiency improvements and wetlands protection. Before adopting the impact assessment process, the department shall provide a written report to the legislature on how the process will comply with state water law;

(4) Provide technical assistance to local governments and other affected parties;

(5) Develop a model wetlands ordinance for assistance to local governments by July 1, 1991;

(6) Provide local governments and the public with information on wetlands functions and values, protection, and management;

(7) Accept grants, contributions, and appropriations from any person for the purposes of this chapter;

(8) Cooperate with other persons, including nonprofit organizations, private property owners, federal, state, and local agencies and Indian tribes in protecting and managing wetlands and planning wetlands interpretative sites;

(9) Appoint advisory committees to assist in carrying out the purposes of this chapter; and

(10) Contract for professional or technical services.

The actions taken by the department under this chapter shall not be deemed to render the state or any state agency or state officer liable for a taking in connection with the adoption, administration, or enforcement of any local wetlands program, unless the acts of a local government that are found to constitute a taking are shown to be nondiscretionary acts taken solely to meet a requirement of state law or a requirement contained in a rule adopted under this section.

NEW SECTION. Sec. 12. REVIEW BY ECOLOGICAL COMMISSION NOT REQUIRED. The department is not required to seek review or advice and guidance from the ecological commission with respect to the adoption of any local wetlands programs and program amendments.

NEW SECTION. Sec. 13. DUTIES AND RESPONSIBILITIES OF LOCAL GOVERNMENTS. (1) Each local government shall:

(a) Develop, adopt, administer, and enforce wetlands programs including wetlands permits, mitigation, buffers, and permit appeals;

(b) Participate, as funding permits, in the preparation and verification, jointly with the department, of an inventory of regulated wetlands within its jurisdiction using inventory standards developed by the department; and

(c) Designate a lead or co-lead agency to administer the provisions of this chapter with respect to regulated wetlands and their buffers that are within the jurisdiction of two or more local governments.

(2) In carrying out the responsibilities of this section, incorporated cities and towns within a county may enter into an interlocal agreement with the county in which they are located for developing and administering wetlands programs. Where cities have entered into an interlocal agreement with a county for the purpose of developing and administering wetlands programs and where the applicable county has elected to institute a conservation futures tax under RCW 84.34.230, proceeds derived from the conservation futures tax shall be utilized for wetlands acquisition according to a priority acquisition list agreed to by all participants.

NEW SECTION. Sec. 14. NONREGULATORY ELEMENTS. (1) The county assessor shall adjust the assessed valuation of property to take into consideration any change in land value that results from the restrictions imposed by this chapter.

(2) The department shall convene a committee consisting of local governments, resource agencies, Indian tribes, and affected private groups, to examine nonregulatory methods pursuant to section 17(2) of this act.

(3) The department shall work with the departments of wildlife and natural resources and interested private and public parties to identify financial support for wetlands program development activities, inventorying, managing, and wetlands acquisition.

(4) The departments of wildlife and natural resources may accept grants, contributions, and appropriations from nonprofit organizations, and from federal, state, and local agencies for acquisition of converted lands or low category wetlands.

NEW SECTION. Sec. 15. A new section is added to chapter 76.09 RCW to read as follows:

Within twenty-four months after the effective date of this act, the forest practices board shall adopt forest practices rules to accomplish the purposes and intent of sections 1 through 13 of this act. The forest practices board shall submit to appropriate committees of the house of representatives and senate, status reports every six months on the progress of developing rules to implement this chapter.

The department of natural resources may impose conditions to protect wetlands functions and values and wetlands buffers from adverse effects of forest practices until the effective date of such rules and thereafter to the extent provided in such rules.

Sec. 16. Section 35.13.010, chapter 7, Laws of 1965 and RCW 35.13.010 are each amended to read as follows:

Any portion of a county not incorporated as part of a city or town but lying contiguous thereto may become a part of the city or town by annexation: PROVIDED, That property owned by a county, and used for the purpose of an agricultural fair as provided in chapter 15.76 RCW or chapter 36.37 RCW shall not be subject to annexation without the consent of the majority of the board of county commissioners. Farm and agricultural land in counties with an agricultural land preservation plan adopted by the county council or board of county commissioners,

which includes a map or other clear description of such farm and agricultural lands being preserved by the county under the plan, shall not be subject to annexation if they contain wetlands or are contiguous to wetlands. An area proposed to be annexed to a city or town shall be deemed contiguous thereto even though separated by water or tide or shore lands on which no bona fide residence is maintained by any person.

NEW SECTION. Sec. 17. The department shall:

(1) Within twelve months after the effective date of this act, report to the legislature on the progress made in developing the wetlands impacts assessment process required by RCW 90.54.190 according to section 11(3) of this act:

(2) Immediately convene the wetland policy advisory committee composed of the following: One representative from the department of ecology; one representative from the department of natural resources; one representative from an Indian tribe; one representative selected by the Washington environmental council; two representatives selected by the association of Washington cities, one of whom shall be from a high-growth area and one of whom shall be from a low or no-growth area; two representatives selected by the Washington state association of counties, one of whom shall be from a high-growth area and one of whom shall be from a low or no-growth area; one representative selected by the Washington public ports association; two representatives selected by the association of Washington businesses, one of whom shall be from a high-growth area and one of whom shall be from a low or no-growth area; one representative of private property owners selected by a recognized private property owner organization; and one representative selected by a recognized agricultural organization. The chair shall be elected by the committee members from the nonstate agency representatives on the committee. The department, after consultation with the committee, shall establish a schedule for completion of tasks assigned to the committee under this act. The committee shall:

(a) Conduct a study as to effects, desirability, and compatibility of applying this chapter to the wetlands currently regulated under the shoreline management act. This study shall look in depth at the following issues: Single permit requirement, uniform and consistent standards, clear appeal process, consistency in application and procedure, and uses that are not required to obtain a permit;

(b) Examine nonregulatory methods including but not limited to preservation, conservation easements, restoration, tax incentives, technical assistance, regional planning, education, low-cost, low-impact interpretive sites, and to develop opportunities and processes for shared responsibility between the state and the private sector for restoring and creating wetlands including mitigation banking to meet the goals of this chapter;

(c) Develop proposed rules relating to buffer sizes and restrictions on use of buffer areas, criteria for wetland rating system categories, and regulations on mitigation;

(d) Make program recommendations;

(e) Determine funding needs and explore funding sources for nonregulatory wetlands protection methods; and

(f) Report to the legislature by December 15, 1990, on the recommendations and funding needs regarding (a) of this subsection and of the nonregulatory methods report.

(3) This section shall expire on March 1, 1991.

NEW SECTION. Sec. 18. SHORT TITLE. This chapter shall be known and cited as the wetlands management act of 1990.

NEW SECTION. Sec. 19. (1) From the appropriation made to the department for the implementation of this chapter and from other such funds the department deems appropriate, funds shall be allocated to local governments for the justifiable costs of developing their wetlands programs and for conducting inventories, provided that a local government may agree to supplement such funds by the utilization of the local government's own resources for these purposes. Any costs shall be described and justified in writing by the local government.

(2) Failure to provide these moneys shall be justification for a request by the local government to extend the deadline for program development established in section 3(5) of this act.

NEW SECTION. Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 21. Section 17 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 22. CAPTIONS. Captions as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 23. Sections 1 through 14, 18 through 20, and 22 of this act shall constitute a new chapter in Title 90 RCW."

Senator Kreidler moved that the following amendments by Senators Kreidler, Stratton, Metcalf, Murray, von Reichbauer, Lee, Patrick, Gaspard, Sutherland, McMullen, Rinehart, Bender and Talmadge to the striking amendment by Senator Barr be considered simultaneously and be adopted:

On page 2, line 2 of the amendment, after "It is the" insert "short-term"

On page 2, line 4 of the amendment, after "function" strike ". The" and insert ", and it is the long-term goal to restore and create wetlands, where feasible, to increase the quantity and quality of the wetlands resource base. Although calling for a stable and eventually increasing inventory of wetlands, the"

On page 2, line 7 of the amendment, after "gains" insert "in the short term and increase in the long term"

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Kreidler, you indicated that we have lost ninety percent of our wetlands. Do you have any explicit maps that you could show us where we have lost them? Let me go a little further, Senator Kreidler. I know such as Grand Coulee Dam and from other such things, we have numerous wetlands we have created. We have created the Cowlitz Dam and we have created large areas of wetlands besides controlling floods. Alder Lake Dam on the Nisqually controls the floods and has created wetlands when we created that. I would like to see some figures. You say ninety percent is gone. Now, I can't correlate that with what we created in just the past forty or fifty years. It never existed before: Do you have any further information of where that ninety percent loss is?"

Senator Kreidler: "Well, the ninety percent that I used were coastal wetlands and this is information that has come from studies that have been done. I can certainly supply you with that information which delineates where those wetlands are. Much of this has been lost to development of one source or another. Much of it, I presume, through agriculture at one time or another, too."

Senator Rasmussen: "Coastal--are you talking about the cranberry bogs? We haven't lost wetlands there."

Senator Kreidler: "I can get that information for you."

Senator Rasmussen: "I would appreciate that, because we hear these figures and no substantiation whatsoever. They just throw them out there and they say that we have lost all of this. Facts don't prove that. Thanks for the information, if you have it."

Further debate ensued.

Senator Kreidler demanded a roll call and the demand was sustained.

PARLIAMENTARY INQUIRY

Senator McCaslin: "A point of parliamentary inquiry, Mr. President. What does banging the gavel mean in the State Senate?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "I did not see Senator Kreidler standing up and in the past here, under all the presiding officers, we have ruled accordingly to whenever someone wanted a roll call, they have a right to have a roll call."

"Senator McCaslin: "Well, I think we should put the gavel away in the Historical Preservation Society and let them keep it."

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Kreidler, Stratton, Metcalf, Murray, von Reichbauer, Lee, Patrick, Gaspard, Sutherland, McMullen, Rinehart, Bender and Talmadge on page 2, lines 2, 4, and 7, to the striking amendment by Senator Barr to Substitute Senate Bill No. 6799.

ROLL CALL

The Secretary called the roll and the amendments to the amendment were not adopted by the following vote: Yeas, 22; nays, 26; absent, 1.

Voting yea: Senators Bender, Conner, Fleming, Gaspard, Kreidler, Lee, Madsen, McMullen, Metcalf, Moore, Murray, Niemi, Patrick, Rinehart, Stratton, Sutherland, Talmadge, Vogt, von Reichbauer, Warnke, Williams, Wojahn - 22.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Hansen, Hayner, Johnson, Matson, McCaslin, McDonald, Nelson, Newhouse, Owen, Patterson, Rasmussen, Sellar, Smith, Smitherman, Thorsness, West - 26.

Absent: Senator Saling - 1.

MOTION

Senator Bailey moved that the following amendment to the striking amendment by Senator Barr be adopted:

On page 2, after line 7, insert the following:

"(4) It is the goal of the state of Washington to cause no net loss of agricultural lands in high-growth areas as a result of the application of this chapter."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Bailey on page 2, after line 7, to the striking amendment by Senator Barr to Substitute Senate Bill No. 6799.

The motion by Senator Bailey failed and the amendment to the amendment was not adopted.

MOTION

Senator Bailey moved that the following amendment to the striking amendment by Senator Barr be adopted:

On page 2, beginning on line 13 of the amendment, after "(3)" strike all material through and including line 32, and insert "Normal or necessary agriculture" includes those activities conducted on lands defined in RCW 84.34.020(2), private upland fin fish hatching and rearing facilities, and those activities involved in the production of crops, livestock, or commercially reared fish, for example, the construction, operation and maintenance of farm, stock and commercial upland fish ponds or drainage ditches, construction, operation and maintenance of ditches, intake and discharge systems, irrigation systems including irrigation diversions, laterals, canals, or irrigation drainage ditches, changes between agricultural activities, and normal maintenance, repair, construction, or operation of agriculturally related structures, facilities, dikes, or improved areas."

Debate ensued.

POINT OF INQUIRY

Senator Hansen: "Senator Barr, the way you just stated this, does this take any draining of any profits on our existing farmland from now on? Are there going to be no more drainage pipes put in to drain our necessary farm land? Is that what you are telling me?"

Senator Barr: "Thank you, Senator Hansen. Under the bill, that would be regulated. You would have to get a permit to drain. Now, there is plenty of language in the bill about maintaining the drains--maintaining what's there. This says that if there is a wetland in Snohomish County on a farm that has not been farmed and it is a real true wetland, then it would be regulated and you would have to get a permit to do that."

Further debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Bailey on page 2, beginning on line 13, to the striking amendment by Senator Barr to Substitute Senate Bill No. 6799.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Benitz, Cantu, Conner, Craswell, Hansen, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Newhouse, Patterson, Rasmussen, Saling, Sellar, Smith, West - 23.

Voting nay: Senators Barr, Bender, Bluechel, DeJarnatt, Fleming, Gaspard, Hayner, Kreidler, Lee, Moore, Murray, Nelson, Niemi, Owen, Patrick, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 26.

MOTION

Senator Bailey moved that the following amendments to the striking amendment by Senator Barr be considered simultaneously and be adopted:

On page 3, after line 26 of the amendment, strike all of subsection (10)

Renumber remaining subsections accordingly.

On page 4, beginning on line 13 of the amendment, after "wetland" strike "or its buffer"

On page 7, on line 30 of the amendment, after "wetland" strike "or its buffer"

On page 14, on line 27 of the amendment, after "significance" strike "and their buffers"

On page 15, after line 15 of the amendment, strike all of subsection (11)

Renumber remaining subsections accordingly.

On page 15, on line 33 of the amendment, after "wetlands" strike "or their buffers"

On page 18, on line 6 of the amendment, after "programs," strike "buffers."

On page 19, on line 24 of the amendment, after "mitigation," strike "buffers."

On page 22, beginning on line 24 of the amendment, after "relating to" strike "buffer sizes and restrictions on use of buffer areas."

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Bailey on page 3, after line 26; page 4, beginning on line 13; page 7, on line 30; page 14, on line 27, page 15, after line 15 and on line 33; page 18, on line 6; page 19, on line 24; and page 22, beginning on line 24; to the striking amendment by Senator Barr to Substitute Senate Bill No. 6799.

ROLL CALL

The Secretary called the roll and the amendments to the amendment were not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Cantu, Conner, Craswell, Hansen, Hayner, Johnson, Madsen, Matson, McCaslin, Nelson, Newhouse, Patterson, Rasmussen, Saling, Sellar, Smith, Thorsness, West - 23.

Voting nay: Senators Bauer, Bender, Bluechel, DeJarnatt, Fleming, Gaspard, Kreidler, Lee, McDonald, McMullen, Metcalf, Moore, Murray, Niemi, Owen, Patrick, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 26.

MOTION

Senator Metcalf moved that the following amendments by Senators Metcalf, Bender, Kreidler, Lee, Patrick, von Reichbauer, Murray, Fleming and Moore to the striking amendment by Senator Barr be considered simultaneously and be adopted:

On page 6, line 4 of the amendment, strike "February 20" and insert "July 1"

On page 6, line 10 of the amendment, strike "February 20" and insert "July 1"

On page 6, line 36 of the amendment, after "department," insert "This subsection does not apply to local government programs certified under subsection (7) of this section"

Debate ensued.

Senator Kreidler demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Metcalf, Bender, Kreidler, Lee, Patrick, von Reichbauer, Murray, Fleming and Moore on page 6, lines 4, 10 and 36, to the striking amendment by Senator Barr to Substitute Senate Bill No. 6799.

ROLL CALL

The Secretary called the roll and the amendments to the amendment were not adopted by the following vote: Yeas, 21; nays, 28.

Voting yea: Senators Bender, Bluechel, Conner, DeJarnatt, Fleming, Gaspard, Kreidler, Lee, Metcalf, Moore, Murray, Nelson, Niemi, Patrick, Rinehart, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 21.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Cantu, Craswell, Hansen, Hayner, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Newhouse, Owen, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, West - 28.

MOTION

Senator Bailey moved that the following amendments to the striking amendment by Senator Barr be considered simultaneously and be adopted:

On page 9, on line 1 of the amendment, after "significance" strike "and their buffers"

On page 9, beginning on line 19 of the amendment, after "(1)" strike all material through and including line 32 and insert "Local governments shall not require wetlands permits or otherwise impose conditions under this chapter on the activities described in subsection (2) of this section. Except for the activities described in subsection (2) (a), (b), (d), (m), and (n) of this section, the person conducting the activity shall provide prior notification to the appropriate local government before conducting any activity described in subsection (2) of this section."

(2) Except as provided in subsection (1) of this section, the following activities are exempt from this chapter:

(a) Normal or necessary agriculture as defined in section 2 of this act. Agricultural activities conducted on wetlands are subject to the best management practices developed by local conservation districts."

Renumber the remaining subsections and correct any internal references accordingly.

On page 12, on line 7 of the amendment, after "subjected" and before the period insert "except for use of wetlands or wetland buffers for normal or necessary agricultural purposes"

On page 12, after line 7 of the amendment, strike all of NEW SECTION, Sec. 7.

Renumber the remaining sections and correct any internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Bailey on page 9, line 1 and beginning on line 19, and page 12, on line 7 and after line 7, to the striking amendment by Senator Barr to Substitute Senate Bill No. 6799.

The motion by Senator Bailey failed and the amendments to the amendment were not adopted.

MOTION

On motion of Senator Barr, the following amendment by Senators Barr and Kreidler to the striking amendment by Senator Barr was adopted:

On page 10, line 21 of the amendment, after "property" and before the semicolon, insert "multiplied by the functional portion of an acre that constitutes the wetland"

MOTION

Senator Kreidler moved that the following amendment by Senators Kreidler and Lee to the striking amendment by Senator Barr be adopted:

On page 12, line 32, strike "may not" and insert "shall have the option to"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Kreidler and Lee on page 12, line 32, to the striking amendment by Senator Barr to Substitute Senate Bill No. 6799.

The motion by Senator Kreidler failed and the amendment to the striking amendment was not adopted.

MOTION

Senator Kreidler moved that the following amendment by Senators Kreidler and Lee to the striking amendment by Senator Barr be adopted:

On page 12, line 35, strike "may" and insert "shall"

Debate ensued.

Senator Kreidler demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Kreidler and Lee on page 12, line 35, to the striking amendment by Senator Barr to Substitute Senate Bill No. 6799.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 17; nays, 32.

Voting yea: Senators Bender, Conner, Fleming, Gaspard, Kreidler, Lee, Metcalf, Moore, Murray, Niemi, Rinehart, Talmadge, Vogt, von Reichbauer, Warnke, Williams, Wojahn - 17.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Hansen, Hayner, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, West - 32.

MOTION

Senator Stratton moved that the following amendments by Senators Stratton and Barr to the striking amendment by Senator Barr be considered simultaneously and be adopted:

On page 19, line 28 of the amendment, strike "and"

On page 19, line 32 of the amendment, after "governments" insert "and"

(d) Develop, adopt, administer and enforce shorelines management programs pursuant to chapter 90.58 RCW."

POINT OF INQUIRY

Senator Metcalf: "Senator Stratton, what county now? Does this just refer to one county?"

Senator Stratton: "Yes, the reason that I have Senator Barr's name on this is because it is Steven's County."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Stratton and Barr on page 19, lines 28 and 32, to the striking amendment by Senator Barr to Substitute Senate Bill No. 6799.

The motion by Senator Stratton carried and the amendments to the striking amendment were adopted.

MOTION

Senator Bailey moved that the following amendment to the striking amendment by Senator Barr be adopted:

On page 22, after line 33, insert the following:

"NEW SECTION, Sec. 18. No provision of this chapter shall be construed or enforced so as to result in the net loss of acreage used for agricultural purposes in high-growth areas as defined in this chapter."

Remember the sections consecutively and correct any internal references accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Barr, you said that you arrived at seven years. Why not ten years? That is what open space and the forests and the present farm land is. If you put it in farming or forests or open space, you get your taxes cut in half. Why did you restrict this to seven years?"

Senator Barr: "We started out at five and we talked about the seven. In the Forum Bill—I think that went through the Forum process and the summer meetings—and on and on. It came to the Legislature at five years and so we bumped it up to seven, thanks to Senator Bailey. He insisted on us going up to seven, so we did that. Now, as I understand the amendment, that is what it deals with, so seven seems to be reasonable in what this amendment is dealing with in high growth areas."

Senator Rasmussen: "We should support the amendment, then?"

Senator Barr: "No, I would have to oppose this amendment because this takes that away. The world wouldn't come apart if we adopt this amendment, but I don't think we should. You keep faith and have something reasonable that's in the bill. I think we should defeat it."

Further debate ensued.

PERSONAL PRIVILEGE

Senator Barr: "A point of personal privilege, Mr. President. Senator Bailey thinks I was talking about the wrong amendment. With the permission of the body, I will address what he thinks the amendment does. I think that the effect of this amendment does what I said it would do, but it also deals with a no-net loss, like Senator Bailey said, but we defeated that philosophy a while ago in another amendment, I believe, so I would encourage you to turn this amendment down, also."

Senator Bailey demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Bailey on page 22, after line 33, to the striking amendment by Senator Barr to Substitute Senate Bill No. 6799.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 20; nays, 29.

Voting yea: Senators Amondson, Anderson, Bailey, Benitz, Cantu, Conner, Hansen, Johnson, Madsen, Matson, McCaslin, McMullen, Moore, Newhouse, Patterson, Rasmussen, Saling, Sellar, Smith, West - 20.

Voting nay: Senators Barr, Bauer, Bender, Bluechel, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Kreidler, Lee, McDonald, Metcalf, Murray, Nelson, Niemi, Owen, Patrick, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 29.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Barr, as amended, to Substitute Senate Bill No. 6799.

The striking amendment by Senator Barr, as amended, to Substitute Senate Bill No. 6799 was adopted by voice vote.

MOTION

On motion of Senator Barr, the following title amendment was adopted:

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 35.13.010; adding a new chapter to Title 90 RCW; adding a new section to chapter 76.09 RCW; creating a new section; prescribing penalties; and declaring an emergency."

MOTION

On motion of Senator Barr, Engrossed Substitute Senate Bill No. 6799 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute Senate Bill No. 6799 was deferred.

Vice President Pro Tempore Craswell assumed the Chair.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2482, by Committee on Environmental Affairs (originally sponsored by Representatives G. Fisher, Miller, Rust, Holland, Wineberry and May) (by request of Governor Gardner)

Restructuring the Puget Sound Water Quality Authority.

The bill was read the second time.

MOTION

Senator Metcalf moved that the following amendments by Senators Metcalf, Talmadge, von Reichbauer, Bailey, Rinehart, Smitherman and Gaspard be considered simultaneously and be adopted:

On page 4, line 22, strike "The ~~((governor shall select one of the seven members to act as))~~ director of ecology shall be chair of the authority ~~((and be presiding officer of the authority))."~~ and insert "~~((The governor shall select one of the seven members to act as and be presiding officer of the authority:))~~"

On page 5, line 2, after "vacated," insert the following and renumber subsections accordingly:

"(2) The authority chair shall be chosen from among the authority members by the authority. The term of the chair shall be at least one year, and shall be determined by the authority."

Debate ensued.

MOTION

On motion of Senator Anderson, Senator Matson was excused.

POINT OF INQUIRY

Senator Hansen: "Senator Talmadge, my question is in regard to the exemplary job that the water quality people have done, could you illuminate those to me, because I think that of all the money that has been spent, they haven't cleaned up one thing yet and they are still trying to get more money to try to clean something up and I haven't seen them, in all the years that they have been in business, start to answer one of those problems yet. The case is up on non point source to try

to nail some farmer or some guy living on a creek up there. That's all they have done."

Senator Talmadge: "Senator, your question is an excellent one and argues very strongly in favor of the amendment--the people who have not spent the money to deal with Puget Sound water quality, the people who have not forced the point sources of pollution to clean up as rapidly as some of us would like to see, are not the people in the Puget Sound Water Quality Authority, but the people in the Department of Ecology. The Department of Ecology has the enforcement responsibility and if the concern is about enforcement, that concern should be laid at the feet of the people in Ecology, not at the Authority."

Further debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Metcalf, Talmadge, von Reichbauer, Bailey, Rinehart, Smitherman and Gaspard on page 4, line 22, and page 5, line 2, to Engrossed Substitute House Bill No. 2482.

The motion by Senator Metcalf failed and the amendments were not adopted.

MOTION

Senator Metcalf moved that the following amendments by Senators Metcalf, Talmadge, Rinehart and Gaspard be considered simultaneously and be adopted:

On page 5, line 3 after "vacated," insert "(2)" and renumber subsections consecutively

On page 5, line 25 after "ecology," insert "This subsection, subsection (2) of this section, and section 3 of the act shall take effect December 1, 1990."

On page 6, line 33 strike "four" and insert "three"

On page 6, beginning on line 34 strike "the plan by July 1, 1994, and every four years thereafter" and insert "any revisions to the plan by January 1, 1991, and January 1, 1994"

Debate ensued.

Senator Metcalf demanded a roll call and the demand was sustained.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Metcalf, Talmadge, Rinehart and Gaspard on page 5, lines 3 and 25, and page 6, line 33 and beginning on line 34, to Engrossed Substitute House Bill No. 2482.

ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 24; nays, 23; absent, 1; excused, 1.

Voting yea: Senators Bailey, Bender, Conner, Fleming, Gaspard, Johnson, Kreidler, Lee, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Patrick, Rasmussen, Rinehart, Smith, Smitherman, Talmadge, Thorsness, von Reichbauer, Warnke, Williams - 24.

Voting nay: Senators Amondson, Anderson, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Hayner, Madsen, McCaslin, McDonald, Newhouse, Owen, Patterson, Saling, Sellar, Stratton, Sutherland, Vognild, West, Wojahn - 23.

Absent: Senator Hansen - 1.

Excused: Senator Matson - 1.

MOTION

Senator Metcalf moved that the following amendments by Senators Metcalf, Talmadge, Lee, Bailey, von Reichbauer, Rinehart, Smitherman and Gaspard be considered simultaneously and be adopted:

On page 8, line 17, strike "Recommendations for" and insert "~~((Recommendation for))~~"

On page 8, line 28, strike "Recommendations on" and insert "~~((Recommendation on))~~" A program for

On page 8, line 31, strike "Recommendations for" and insert "~~((Recommendation for))~~"

On page 8, line 36, strike "Recommendations for" and insert "~~((Recommendation for))~~"

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was not sustained.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Metcalf, Talmadge, Lee, Bailey, von Reichbauer, Rinehart, Smitherman and Gaspard on page 8, lines 17, 28, 31 and 36, to Engrossed Substitute House Bill No. 2482.

The motion by Senator Metcalf failed and the amendments were not adopted on a rising vote.

MOTION

Senator Metcalf moved that the following amendments by Senators Metcalf, Talmadge, Lee, Bailey, von Reichbauer, Rinehart, Smitherman and Gaspard be considered simultaneously and be adopted:

On page 10, line 9, after "report," insert "The authority may also report to the legislature and the governor at any time regarding actions of one or more state or local agencies that are inconsistent with the plan."

On page 10, after line 20, insert "(5) The implementation of the regulatory elements of the plan is solely the responsibility of state and federal agencies and local governments identified in the plan, except as specifically provided in this chapter, the authority is not responsible for enforcement of the plan."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Metcalf, I am having a hard time following this. It says, 'The Authority may also report to the Legislature and the Governor at any time regarding actions of one or more state or local agencies.' Suppose the authorities decide to report to us on March 9, and we have gone home. What good would it do?"

Senator Metcalf: "Well, the responsibility of the Authority is to report when one or more state or local agencies is doing something inconsistent with the plan. That is their job. Whether we are here or not is another kind of a problem, but they should report to the Governor or to the Legislature and I suppose to the press. It is part of their over-sight responsibilities, Senator Rasmussen. We can't stay in session all the time and wait for them."

Senator Rasmussen: "Well, that was what I was wondering. We are the only ones that can control the Agency by legislative action and if we are not here, they can report all they want. It won't do any good."

Senator Metcalf: "Senator Rasmussen, I don't really think that is quite true. These agencies are both under the control of the Governor--both the heads of DOE and the Authority--are appointed by the Governor. He is the one responsible for their administration, not the Legislature."

Senator Rasmussen: "I am glad to know that. Thank you."

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Metcalf, Talmadge, Lee, von Reichbauer, Bailey, Rinehart, Smitherman and Gaspard on page 10, line 9 and after line 20, to Engrossed Substitute House Bill No. 2482.

The motion by Senator Metcalf failed and the amendments were not adopted.

MOTION

Senator Metcalf moved that the following amendment by Senators Metcalf, Talmadge, Lee, von Reichbauer, Bailey, Rinehart, Smitherman and Gaspard be adopted.

On page 11, after line 6, insert the following:

"When a state agency proposes to adopt a rule applicable beyond the Puget Sound area, and that rule was originally proposed to implement an element of the plan, the state agency shall ensure that early and meaningful participation by interested members of the public is provided from all geographic areas to which the rule will be applicable."

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Metcalf, Talmadge, Lee, von Reichbauer, Bailey, Rinehart, Smitherman and Gaspard on page 11, after line 6, to Engrossed Substitute House Bill No. 2482.

The motion by Senator Metcalf carried and the amendment was adopted.

MOTION

Senator Metcalf moved that the following amendment by Senators Metcalf, Talmadge, Lee, Bailey, Rinehart, Smitherman and Gaspard be adopted.

On page 14, after line 13, insert the following section and renumber sections accordingly:

"NEW SECTION. Sec. 13. Nothing in section 12 of this act shall affect the implementation and requirements of the Puget Sound water quality management plan existing on June 30, 1995, or

such other effective date of repeal of the laws referenced in section 12 of this act. The implementation of the plan on and after that date shall be the responsibility of such entities as are provided by the legislature."

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Metcalf, Talmadge, Lee, Bailey, Rinehart, Smitherman and Gaspard on page 14, after line 13, to Engrossed Substitute House Bill No. 2482.

The motion by Senator Metcalf carried and the amendment was adopted.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Moore moved to reconsider the vote by which the amendments by Senators Metcalf, Talmadge, Rinehart and Gaspard on page 5, lines 3 and 25, and page 6, line 33 and beginning on line 34, to Engrossed Substitute House Bill No. 2482 were adopted earlier today.

Senator Moore demanded a roll call and the demand was sustained.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Moore to reconsider the vote by which the amendments by Senators Metcalf, Talmadge, Rinehart and Gaspard on page 5, lines 3 and 25, and page 6, line 33 and beginning on line 34, to Engrossed Substitute House Bill No. 2482 were adopted.

ROLL CALL

The Secretary called the roll and the motion for reconsideration carried by the following vote: Yeas, 28; nays, 20; excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Hansen, Hayner, Johnson, McCaslin, McDonald, Moore, Newhouse, Owen, Patterson, Rasmussen, Saling, Sellar, Stratton, Sutherland, Thorsness, Vognild, Warnke, West, Wojahn - 28.

Voting nay: Senators Bailey, Bauer, Bender, Fleming, Gaspard, Kreidler, Lee, Madsen, McMullen, Metcalf, Murray, Nelson, Niemi, Patrick, Rinehart, Smith, Smitherman, Talmadge, von Reichbauer, Williams - 20.

Excused: Senator Matson - 1.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of amendments by Senators Metcalf, Talmadge, Rinehart and Gaspard on page 5, lines 3 and 25, and page 6, line 33 and beginning on line 34 to Engrossed Substitute House Bill No. 2482, on reconsideration.

The amendments by Senators Metcalf, Talmadge, Rinehart and Gaspard on page 5, lines 3 and 25, and page 6, line 33 and beginning on line 34, to Engrossed Substitute House Bill No. 2482, on reconsideration, were not adopted on a rising vote.

MOTION

On motion of Senator Metcalf, the following title amendment was adopted: On page 1, line 5 of the title, after "RCW," insert "creating a new section:"

MOTION

On motion of Senator Metcalf, Engrossed Substitute House Bill No. 2482, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2482, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2482, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; nays, 15; excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Madsen, McCaslin, McDonald, McMullen, Moore, Nelson, Newhouse, Owen, Patterson, Saling, Sellar, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West - 33.

Voting nay: Senators Bailey, Bender, Fleming, Kreidler, Lee, Metcalf, Murray, Niemi, Patrick, Rasmussen, Rinehart, Smith, Talmadge, Williams, Wojahn - 15.

Excused: Senator Matson - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2482, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:18 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Wednesday, February 28, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FIFTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 28, 1990

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bluechel, Cantu, DeJarnatt, Fleming, Hayner, McCaslin and Smitherman. On motion of Senator Bender, Senators DeJarnatt and Fleming were excused. On motion of Senator Anderson, Senator Bluechel was excused.

The Sergeant at Arms Color Guard, consisting of Pages Brandi Saling and Karina Blonden, presented the Colors. Reverend Gary Fogelquist, pastor of the Lacey Seventh-Day Adventist Church, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

February 27, 1990

Mr. President:

The Speaker has signed:

SENATE BILL NO. 6267,

SENATE BILL NO. 6510,

SENATE BILL NO. 6514,

SENATE BILL NO. 6558,

SUBSTITUTE SENATE BILL NO. 6572,

SENATE BILL NO. 6576,

SENATE BILL NO. 6640,

SENATE JOINT MEMORIAL NO. 8018, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Bailey, Gubernatorial Appointment No. 9185, Jeanne A. Pelkey, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

APPOINTMENT OF JEANNE A. PELKEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; absent, 4; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Conner, Craswell, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 42.

Absent: Senators Cantu, Hayner, McCaslin, Smitherman - 4.

Excused: Senators Bluechel, DeJarnatt, Fleming - 3.

MOTION

On motion of Senator Anderson, Senators Cantu, Hayner and McCaslin were excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 2473, by Representatives Rayburn, Smith, Nealey, Chandler, Baugher, Prince and Kirby

Revising provisions for the subdivision of land that is in whole or in part within an irrigation district and that has been previously platted by the United States.

The bill was read the second time.

MOTION

On motion of Senator Barr, Engrossed House Bill No. 2473 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2473.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2473 and the bill passed the Senate by the following vote: Yeas, 40; absent, 5; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Conner, Craswell, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Absent: Senators Bender, Matson, Murray, Smitherman, Talmadge - 5.

Excused: Senators Cantu, DeJarnatt, Hayner, McCaslin - 4.

ENGROSSED HOUSE BILL NO. 2473, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Matson was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 2386, by Representatives Ballard, R. Fisher, McLean, Wolfe, Miller, Forner and Horn

Clarifying the status of temporary permit fees paid to vehicle dealers.

The bill was read the second time.

MOTION

On motion of Senator Patterson, Engrossed House Bill No. 2386 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2386.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2386 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senators Sellar, Smitherman - 2.

Excused: Senator Matson - 1.

ENGROSSED HOUSE BILL NO. 2386, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2438, by Representatives Sprenkle, Holland, Jacobsen, Anderson, Valle, Miller and Ferguson

Providing reimbursement to state library employees injured while working in state correctional institutions and offices.

The bill was read the second time.

MOTION

On motion of Senator Nelson, House Bill No. 2438 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2438.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2438 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Smitherman - 1.

Excused: Senator Matson - 1.

HOUSE BILL NO. 2438, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Smitherman was excused.

SECOND READING

HOUSE BILL NO. 2461, by Representatives Van Luvan, Heavey, Schmidt, Prentice, Haugen, Fraser, Brekke, Silver, May, Miller and P. King

Prohibiting the sale by public agencies of emergency vehicle equipment that may not be lawfully used.

The bill was read the second time.

MOTION

On motion of Senator Patterson, House Bill No. 2461 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2461.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2461 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Smitherman - 1.

HOUSE BILL NO. 2461, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2469, by Representatives Braddock and Prentice

Regarding limited medical licenses for University of Washington programs.

The bill was read the second time.

MOTION

On motion of Senator West, House Bill No. 2469 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2469.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2469 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Barr - 1.

Excused: Senator Smitherman - 1.

HOUSE BILL NO. 2469, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2513, by Committee on Environmental Affairs (originally sponsored by Representatives Walker, Rust, D. Sommers, Fraser, G. Fisher, Pruitt, Phillips, Brekke, Betrozoff, Winsley, May, Ferguson and Wolfe)

Providing revenue generating authority to counties to fund roadside litter and illegal dumping.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, Engrossed Substitute House Bill No. 2513 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Metcalf, I notice that the bill requires grants to local government. Does this come out of the present litter control fund?"

Senator Metcalf: "I don't know if it comes out of the litter control fund. It does come out of existing revenues. This bill carries no revenue, no appropriation."

Senator Rasmussen: "Well, I was wondering from what fund they were going to make their grants."

Senator Metcalf: "It says, 'Programs eligible for grants under this section shall include, but not be limited to programs established pursuant to section 2 of this act,' which just asks the department to assist local government."

Senator Rasmussen: "Maybe the tooth fairy is going to grant the funds."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2513.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2513 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Smitherman - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2513, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2524, by Committee on Health Care (originally sponsored by Representatives Leonard, Day, Braddock, Crane and Dellwo) (by request of Department of Health)

Continuing the board of pharmacy and modifying licensures.

The bill was read the second time.

MOTION

On motion of Senator West, Substitute House Bill No. 2524 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2524.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2524 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Smitherman - 1.

SUBSTITUTE HOUSE BILL NO. 2524, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2527, by Representatives Jacobsen, Miller and Nelson (by request of Washington Utilities and Transportation Commission)

Revising due dates for payment of regulatory fees.

The bill was read the second time.

MOTION

On motion of Senator Benitz, House Bill No. 2527 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2527.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2527 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

HOUSE BILL NO. 2527, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2561, by Representatives P. King, Schoon and Crane (by request of Law Revision Commission)

Changing provisions relating to replevin.

The bill was read the second time.

MOTION

On motion of Senator Nelson, Engrossed House Bill No. 2561 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2561.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2561 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Taimadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

ENGROSSED HOUSE BILL NO. 2561, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

February 27, 1990

Mr. President:

The House has passed:

SENATE BILL NO. 6200,

SENATE BILL NO. 6210,

SENATE BILL NO. 6327,

SENATE BILL NO. 6354,

SUBSTITUTE SENATE BILL NO. 6463,

SUBSTITUTE SENATE BILL NO. 6531,

SENATE BILL NO. 6549,

SUBSTITUTE SENATE BILL NO. 6573,

SUBSTITUTE SENATE BILL NO. 6594,

SUBSTITUTE SENATE BILL NO. 6600,

SENATE JOINT MEMORIAL NO. 8020,

SENATE JOINT MEMORIAL NO. 8025, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 6200,

SENATE BILL NO. 6210,

SENATE BILL NO. 6327,

SENATE BILL NO. 6354,

SUBSTITUTE SENATE BILL NO. 6463,

SUBSTITUTE SENATE BILL NO. 6531,

SENATE BILL NO. 6549,

SUBSTITUTE SENATE BILL NO. 6573,

SUBSTITUTE SENATE BILL NO. 6594,

SUBSTITUTE SENATE BILL NO. 6600,

SENATE JOINT MEMORIAL NO. 8020,

SENATE JOINT MEMORIAL NO. 8025.

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2562, by Representatives P. King, Schoon and Crane (by request of Law Revision Commission)

Updating the repeal of hospital commission statutes.

The bill was read the second time.

MOTION

On motion of Senator Nelson, House Bill No. 2562 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2562.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2562 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

HOUSE BILL NO. 2562, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2587, by Committee on Local Government (originally sponsored by Representatives Prince, Nealey and P. King)

Authorizing port districts to spend money on road improvements.

The bill was read the second time.

MOTION

On motion of Senator Patterson, Substitute House Bill No. 2587 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2587.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2587 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Absent: Senator Hayner - 1.

SUBSTITUTE HOUSE BILL NO. 2587, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2633, by Representatives Appelwick, P. King and Valle

Amending the uniform commercial code.

The bill was read the second time.

MOTION

On motion of Senator Nelson, House Bill No. 2633 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Bender, Senator Madsen was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2633.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2633 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senator Warnke - 1.

Excused: Senator Madsen - 1.

HOUSE BILL NO. 2633, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Warnke was excused.

SECOND READING

HOUSE BILL NO. 2310, by Representatives H. Sommers, Schoon and Rasmussen (by request of State Treasurer)

Modifying the state's ability to lease and lease back land.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, House Bill No. 2310 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2310.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2310 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Madsen, Warnke - 2.

HOUSE BILL NO. 2310, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2705, by Representatives Ballard, Dellwo, Beck, Silver and McLean (by request of Parks and Recreation Commission)

Changing provisions relating to winter recreation functions of the state parks and recreation commission.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, House Bill No. 2705 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2705.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2705 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Absent: Senator Matson - 1.

Excused: Senators Madsen, Warnke - 2.

HOUSE BILL NO. 2705, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2708, by Committee on Local Government (originally sponsored by Representatives Haugen, Rayburn, Cooper, Ferguson, Jones, McLean, Braddock and R. Meyers)

Authorizing public utility districts to perform sewer inspections.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, Substitute House Bill No. 2708 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2708.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2708 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Nelson, Newhouse, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senator Stratton - 1.

Absent: Senators Matson, Metcalf, Murray, Patterson - 4.

SUBSTITUTE HOUSE BILL NO. 2708, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2726, by Committee on Capital Facilities and Financing (originally sponsored by Representatives Schoon, Cantwell, Brumsickle, Moyer, Raiter, H. Myers, Hargrove, Smith, Nealey, Peery and Cooper)

Raising the debt funding limitation for certain port districts.

The bill was read the second time.

MOTIONS

On motion of Senator Sellar, the following amendment by Senators Sellar, Hayner, Patterson and Smitherman was adopted:

On page 2, after line 13, insert the following:

*Sec. 2. Section 2, chapter 136, Laws of 1967 and RCW 53.36.130 are each amended to read as follows:

Funds for promotional hosting expenditures shall be expended only from gross operating revenues and shall not exceed one percent thereof upon the first two million five hundred thousand dollars of such gross operating revenues, one-half of one percent upon the next two million five hundred thousand dollars of such gross operating revenues, and one-fourth of one percent on the excess over five million dollars of such operating revenues: PROVIDED, HOWEVER, That in no case shall these limitations restrict a port district that has been designated an

associate development organization by the department of trade and economic development to less than five thousand dollars per year or any other port district to less than twenty-five hundred dollars per year from any funds available to the port."

Renumber the remaining section consecutively.

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 2 of the title, after "53.36.030" insert "and 53.36.130"

MOTION

On motion of Senator McCaslin, Substitute House Bill No. 2726, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2726, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2726, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Absent: Senator Moore - 1.

SUBSTITUTE HOUSE BILL NO. 2726, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2753, by Representatives Prince, Nealey, Dellwo and Hankins

Rerouting state route number 128 through Red Wolf Crossing.

The bill was read the second time.

MOTION

On motion of Senator Patterson, House Bill No. 2753 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2753.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2753 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJamatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

HOUSE BILL NO. 2753, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2855, by Representatives Ferguson, Phillips, Cooper, Wood and Haugen

Changing provisions relating to lessee improvements to municipal airports.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, House Bill No. 2855 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge asked Senator McCaslin to yield.

PARLIAMENTARY INQUIRY

Senator McCaslin: "A point of parliamentary inquiry, Mr. President. If I yield to a question, do I take floor time away from him or is my floor time counted toward his or is this my floor time?"

REPLY BY THE PRESIDENT

President Pritchard: "Well, since we don't have that before us, I will rule when it comes before us."

Senator McCaslin: "I see. If I yield, Mr. President, is it necessary to answer the question?"

President Pritchard: "That is up to your judgment."

Senator McCaslin yielded to a question by Senator Talmadge.

POINT OF INQUIRY

Senator Talmadge: "Senator McCaslin, in reading this, the only question that arose in my mind in looking at this idea, what this really amounts to is a port that operates an airport facility would be entitled to take from its other tenants money that it received from those tenants and reimburse another tenant for improvements made in the leasehold of that tenant. The question that I have is what are the outside boundaries of this? What is the check on the port in terms of its ability to, in effect, transfer some money that it receives from one tenant to another for that tenant's leasehold improvement? In other words, they decide to build a Taj Mahal in some particular site in the SeaTac Airport, what would be the limitation on the Port of Seattle in approving that?"

Senator McCaslin: "Well, to answer the first part of your question, rather than wait until the port authority gives them credit or gives them permission to precede with the work necessary and then balance their books, they can do this on small jobs that they can go ahead and repair and then when the rent is due, they subtract that. Now as far as the parameters are concerned, the port commissioners are elected people and if they abuse the privilege of this or build a Taj Mahal which, I think, is a little far fetched. I think, even you would agree to that. I don't think they are going to build a Taj Mahal, because I don't think the rent would cover it. Senator Talmadge, but I think it is up to the discretion and the intelligence and the ability of the port commissioners who are elected and who can be unelected at the next election to properly maintain the parameters of this legislative permission."

MOTIONS

On motion of Senator Anderson, Senator Sellar was excused.

On motion of Senator Bender, Senators Bauer and Conner were excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2855.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2855 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senator Talmadge - 1.

Excused: Senators Bauer, Conner, Sellar - 3.

HOUSE BILL NO. 2855, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2942, by Representatives R. King, Ballard, R. Meyers, Rayburn, McLean, Bowman, Peery, Basich, P. King, Scott, Cole, Crane, Rasmussen, O'Brien, Hine and Dellwo

Requiring progress reports on the recreational fisheries enhancement plan.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, House Bill No. 2942 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2942.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2942 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Niemi - 1.

Excused: Senators Bauer, Conner, Sellar - 3.

- HOUSE BILL NO. 2942, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2457, by Committee on Commerce and Labor (originally sponsored by Representatives Wolfe, Jones, R. King, Silver, Padden, Walker, Leonard, Tate, Cole, D. Sommers, Moyer and Winsley)

Regulating employment listing or employment information services.

The bill was read the second time.

MOTION

On motion of Senator Lee, Substitute House Bill No. 2457 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2457.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2457 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Bauer, Conner, Sellar - 3.

SUBSTITUTE HOUSE BILL NO. 2457, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2709, by Committee on Judiciary (originally sponsored by Representatives Crane and Appelwick)

Revising criteria for setting the number of district court judges in each electoral district.

The bill was read the second time.

MOTION

Senator Nelson moved that the following Committee on Law and Justice amendment be adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 227, Laws of 1989 and RCW 3.38.070 are each amended to read as follows:

A county legislative authority for a county that has a single district but has multiple locations for courtrooms may establish separate electoral districts to provide for election of district court judges by subcounty local districts. ~~((As nearly as possible, the electoral districts shall follow precinct lines, follow neighborhood and community boundaries, and include approximately equal population.))~~ In any county containing a city of more than four hundred thousand population, the legislative authority of such a county shall establish such separate electoral districts. The procedures in chapter 3.38 RCW for the establishment of district court districts apply to the establishment of separate electoral districts authorized by this section.

NEW SECTION, Sec. 2. In any county in which separate electoral districts have been established pursuant to RCW 3.38.070, the term "district" also means "electoral district" for purposes of RCW 3.38.022, 3.38.050, and 3.38.060.

Sec. 3. Section 10, chapter 299, Laws of 1961 as last amended by section 6, chapter 227, Laws of 1989 and RCW 3.34.010 are each amended to read as follows:

The number of district judges to be elected in each county shall be: Adams, three; Asotin, one; Benton, two; Chelan, one; Clallam, one; Clark, four; Columbia, one; Cowlitz, two; Douglas, one; Ferry, two; Franklin, one; Garfield, one; Grant, one; Grays Harbor, two; Island, three; Jefferson, one; King, twenty-four; Kitsap, two; Kittitas, two; Klickitat, two; Lewis, two; Lincoln, one; Mason, one; Okanogan, two; Pacific, three; Pend Oreille, two; Pierce, eight; San Juan, one; Skagit, three; Skamania, one; Snohomish, eight; Spokane, ~~((eight))~~ nine; Stevens, two; Thurston, one; Wahkiakum, one; Walla Walla, three; Whatcom, two; Whitman, two; Yakima, six: PROVIDED, That this number may be increased in accordance with a resolution of the county commissioners under RCW 3.34.020.

NEW SECTION, Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

POINT OF INQUIRY

Senator Fleming: "Senator Nelson, we are not giving Walla Walla an additional judge?"

Senator Nelson: "No."

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice striking amendment to Engrossed Substitute House Bill No. 2709.

The motion by Senator Nelson carried and the committee amendment was adopted.

MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 3.38.070 and 3.34.010; creating a new section; and declaring an emergency."

On motion of Senator Nelson, Engrossed Substitute House Bill No. 2709, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Nelson, just to be certain, on the addition of the further district court judge for Spokane County, consistent with the practice of the Legislature of the last few years, is it the intent of the amendment that Spokane County would bear the cost of that further district court judge--that is the compensation, the facilities and so forth so as to avoid state obligation under Initiative 62?"

Senator Nelson: "Yes."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2709, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2709, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senators Hayner, Johnson - 2.

Excused: Senator Bauer - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2709, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2290, by Representatives Haugen, R. King, Bowman, Sayan, Basich, Brumsickle, Brooks, Morris, Spanel, S. Wilson, R. Meyers and Cole (by request of Department of Fisheries)

Regarding establishment of emerging commercial fisheries.

The bill was read the second time.

MOTION

Senator Metcalf moved that the following Committee on Environment and Natural Resources amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The legislature finds that:

- (1) A number of commercial fisheries have emerged or expanded in the past decade;
- (2) Scientific information is critical to the proper management of an emerging or expanding commercial fishery; and
- (3) The scientific information necessary to manage an emerging or expanding commercial fishery can best be obtained through the use of limited experimental fishery permits allowing harvest levels that will preserve and protect the state's food fish and shellfish resource.

NEW SECTION, Sec. 2. A new section is added to chapter 75.30 RCW to read as follows:

- (1) The director may by rule designate a fishery as an emerging commercial fishery.
- (2) The director may issue experimental fishery permits for commercial harvest in an emerging commercial fishery. The director shall determine by rule the number and qualifications of participants for such experimental fishery permits. The director shall limit the number of these permits to prevent habitat damage, ensure conservation of the resource, and prevent overharvesting. In developing rules for limiting participation in an emerging or expanding commercial fishery, the director shall appoint a five-person advisory board representative of the affected fishery industry. The advisory board shall review and make recommendations to the director on rules relating to the number and qualifications of the participants for such supplemental fishery permits.

(3) RCW 34.05.422(3) does not apply to applications for new experimental fishery permits.

(4) Upon request of a vessel owner, the director may allow the vessel owner to temporarily transfer the experimental fishery permit to a leased or rented vessel. The director shall allow such temporary transfers only when the vessel holding the experimental fishery permit is disabled.

NEW SECTION, Sec. 3. A new section is added to chapter 75.30 RCW to read as follows:

Whenever the director promulgates a rule designating an emerging commercial fishery, the legislative standing committees of the house of representatives and senate dealing with fisheries issues shall be notified of the rule and its justification thirty days prior to the effective date of the rule.

NEW SECTION, Sec. 4. A new section is added to chapter 75.30 RCW to read as follows:

Within five years after adopting rules to govern the number and qualifications of participants in an emerging commercial fishery, the director shall provide to the appropriate senate and house of representatives committees a report which outlines the status of the fishery and a recommendation as to whether a separate commercial license, license fee, or endorsement and/or a limited harvest program should be established for that fishery.

NEW SECTION. Sec. 5. A new section is added to chapter 75.10 RCW to read as follows:

Upon conviction of a person for violation of the conditions or requirements of an experimental fishery permit or provisions of this title or rule of the director while engaged in an emerging commercial fishery, the director may suspend or revoke the experimental fishery permit and all fishing privileges pursuant thereto or present the conditions under which the experimental fishery permit may be reissued. That suspension or revocation shall become effective on the date the director gives the notice prescribed in RCW 34.05.422(1)(c).

For the purposes of this section, the term "conviction" means a final conviction in a state or municipal court. An unvacated forfeiture of bail or collateral of more than two hundred fifty dollars deposited to secure the defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a violation of this title is equivalent to a conviction regardless of whether the imposition of sentence is deferred or the penalty is suspended.

Sec. 6. Section 75.04.010, chapter 12, Laws of 1955 as last amended by section 1, chapter 218, Laws of 1989 and RCW 75.08.011 are each amended to read as follows:

As used in this title or rules of the director, unless the context clearly requires otherwise:

(1) "Director" means the director of fisheries.
 (2) "Department" means the department of fisheries.
 (3) "Person" means an individual or a public or private entity or organization. The term "person" includes local, state, and federal government agencies, and all business organizations.

(4) "Fisheries patrol officer" means a person appointed and commissioned by the director, with authority to enforce this title, rules of the director, and other statutes as prescribed by the legislature. Fisheries patrol officers are peace officers.

(5) "Ex officio fisheries patrol officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fisheries patrol officer" also includes wildlife agents, special agents of the national marine fisheries service, United States fish and wildlife special agents, state parks commissioned officers, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(6) "To fish" and "to take" and their derivatives mean an effort to kill, injure, harass, or catch food fish or shellfish.

(7) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(8) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(9) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(10) "Resident" means a person who has for the preceding ninety days maintained a permanent abode within the state, has established by formal evidence an intent to continue residing within the state, and is not licensed to fish as a resident in another state.

(11) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(12) "Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that shall not be fished for except as authorized by rule of the director. The term "food fish" includes all stages of development and the bodily parts of food fish species.

(13) "Shellfish" means those species of marine and freshwater invertebrates that shall not be taken except as authorized by rule of the director. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(14) "Salmon" means all species of the genus *Oncorhynchus*, except those classified as game fish in Title 77 RCW, and includes:

| Scientific Name | Common Name |
|---------------------------------|----------------|
| <i>Oncorhynchus tshawytscha</i> | Chinook salmon |
| <i>Oncorhynchus kisutch</i> | Coho salmon |
| <i>Oncorhynchus keta</i> | Chum salmon |
| <i>Oncorhynchus gorbuscha</i> | Pink salmon |
| <i>Oncorhynchus nerka</i> | Sockeye salmon |

(15) "Commercial" means related to or connected with buying, selling, or bartering. Fishing for food fish or shellfish with gear unlawful for fishing for personal use, or possessing food fish or shellfish in excess of the limits permitted for personal use are commercial activities.

(16) "To process" and its derivatives mean preparing or preserving food fish or shellfish.

(17) "Personal use" means for the private use of the individual taking the food fish or shellfish and not for sale or barter.

(18) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel to which are attached no more than two single hooks or one artificial bait with no more than four multiple hooks.

(19) "Emerging commercial fishery" means any commercial fishery:

(a) For food fish or shellfish so designated by rule of the director, except that no species harvested under a license limitation program contained in chapter 75.30 RCW may be designated as a species in an emerging commercial fishery.

(b) Which will include, subject to the limitation in (a) of this subsection, all species harvested for commercial purposes as of the effective date of this act and the future commercial harvest of all other species in the waters of the state of Washington.

(20) "Experimental fishery permit" means a permit issued by the director to allow the recipient to engage in an emerging commercial fishery."

POINT OF INQUIRY

Senator Rasmussen: "Senator Metcalf, did you consider this bill for an amendment on barbless hooks?"

Senator Metcalf: "I haven't considered it for an amendment on barbless hooks. I would be happy to--"

Senator Rasmussen: "Well, maybe we should set the bill down for a little bit."

Senator Metcalf: "I have no objection to doing that."

MOTION

On motion of Senator Metcalf, further consideration of House Bill No. 2290 was deferred.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2375, by Committee on Appropriations (originally sponsored by Representatives Betrozoff, Peery, Brumsickle, Valle, Walker, H. Myers, Rasmussen, Schoon, Winsley, Pruitt, Brough, Moyer, Wolfe, Todd, Haugen, Scott, P. King, Rector, Wood, Doty, Basich, Youngsman, May, Kremen, Ferguson, Wineberry and Horn)

Creating ALL KIDS CAN LEARN incentive grants.

The bill was read the second time.

MOTIONS

On motion of Senator Rinehart, the following amendment by Senators Rinehart and Bailey was adopted:

On page 1, line 23, after "schools" strike all material through "populations" on line 27, and insert "to plan and implement outcome based education programs"

On motion of Senator Bailey, Engrossed Substitute House Bill No. 2375, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2375, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2375, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Barr, Craswell - 2.

Absent: Senators Kreidler, Matson, McCaslin, Smith - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2375, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the Chair.

MOTIONS

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Senate Bill No. 6408.

On motion of Senator Newhouse, the rules were suspended and Senate Bill No. 6408 was advanced to second reading and placed on the second reading calendar.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

February 27, 1990

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6407 with the following amendments:

Strike everything after the enacting clause and insert the following:

*INDEX

Accountancy Board, sec. 124
 Administrator for the Courts, sec. 108
 Agriculture Department, sec. 310
 Attorney General, sec. 115
 Basic Health Plan, sec. 229
 Belated Claims, sec. 705
 Central Washington University, secs. 601, 606
 Community College Education Board, secs. 601, 602
 Community Development Department, secs. 222, 223
 Corrections Department, secs. 227, 228
 Court of Appeals, sec. 106
 Criminal Justice Training Commission, sec. 224
 Eastern Washington University, secs. 601, 605
 Ecology Department, sec. 302
 Employment Security Department, sec. 230
 Energy Office, sec. 301
 Environmental Hearings Office, sec. 304
 Financial Management Office, sec. 128
 Fisheries Department, sec. 306
 General Administration Department, sec. 121
 Governor, secs. 109, 703, 704, 707, 708
 Compensation, Salary, and Insurance Benefits, sec. 708
 Emergency Fund, sec. 707
 Self-Insurance Fund Premiums, sec. 703
 Tort Claims Revolving Fund, sec. 704
 Health Care Authority, sec. 221
 Health Department, sec. 220
 Higher Education Coordinating Board, secs. 601, 609, 610
 House of Representatives, sec. 101
 Indian Affairs, Governor's Office, sec. 113
 Information Services Department, sec. 122
 Institute of Applied Technology, sec. 611
 Insurance Commissioner, sec. 123
 Investment Board, sec. 118
 Judicial Conduct Commission, sec. 107
 Labor and Industries Department, sec. 225
 Licensing Department, secs. 402, 403
 Lieutenant Governor, sec. 110
 Liquor Control Board, sec. 125
 Minority and Women's Business Enterprises Office, sec. 120
 Natural Resources Department, secs. 308, 309
 Parks and Recreation Commission, sec. 303
 Personnel Department, sec. 116
 Pollution Liability Insurance Program, sec. 312
 Public Disclosure Commission, sec. 111
 Redistricting Commission, sec. 103
 Retirement Contributions, secs. 709, 710
 Retirement Systems Department, sec. 117
 Revenue Department, sec. 119
 Secretary of State, sec. 112
 Senate, sec. 102
 Social and Health Services Department, secs. 201-219
 Administration and Supporting Services, sec. 219
 Alcohol and Drug Support, secs. 212, 213, 228

- Children and Family Services, secs. 202-204
- Community Services Administration, sec. 217
- Community Social Services, sec. 211
- Developmental Disabilities Program, secs. 207, 208
- General Vendor Rate Increases, sec. 201
- Income Assistance Program, sec. 210
- Juvenile Rehabilitation Program, sec. 205
- Long-Term Care Services, sec. 209
- Medical Assistance Program, sec. 214
- Mental Health Program, sec. 206
- Payments to Other Agencies, sec. 219
- Public Health Program, sec. 215
- Revenue Collections Program, sec. 218
- State Actuary, sec. 104
- State Auditor, sec. 114
- State Capitol Historical Association, sec. 613
- State Convention and Trade Center, sec. 311
- State Library, sec. 612
- State Patrol, sec. 401
- State Treasurer, secs. 701, 702, 711
 - Federal Revenues for Distribution, sec. 702
 - State Revenues for Distribution, sec. 701
 - Transfers, sec. 711
- Sundry Claims, sec. 706
- Superintendent of Public Instruction, secs. 501-517
 - Educational Clinics, sec. 517
 - Employee Compensation, secs. 503-505
 - General Apportionment, sec. 502
 - Handicapped Education, sec. 509
 - Highly Capable Students Programs, sec. 512
 - Institutional Education Programs, sec. 511
 - Learning Assistance Program, sec. 516
 - Local Effort Assistance, sec. 510
 - Pupil Transportation, sec. 506
 - School District Support, sec. 513
 - School Food Service Programs, sec. 508
 - Special and Pilot Programs, sec. 514
 - State Administration, sec. 501
 - Transitional Bilingual Programs, sec. 515
 - Vocational-Technical Institutes, sec. 507
- Supreme Court, sec. 105
- The Evergreen State College, secs. 601, 607
- Trade and Economic Development Department, sec. 305
- University of Washington, secs. 601, 603
- Utilities and Transportation Commission, sec. 126
- Veterans Affairs Department, sec. 226
- Volunteer Fire Fighters' Board, sec. 127
- Washington State University, secs. 601, 604
- Western Washington University, secs. 601, 608
- Wildlife Department, sec. 307

PART I
GENERAL GOVERNMENT

Sec. 101. Section 101, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

| | | |
|----------------------------------|----|------------------------------|
| General Fund Appropriation | \$ | ((49,300,000)) 49,620,000 |
|----------------------------------|----|------------------------------|

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

- (1) \$150,000 is provided solely to contract for an evaluation of Seattle public schools.
- (2) \$250,000 of the general fund appropriation is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the senate and the secretary of state.
- (3) \$163,000 is provided solely for the fellows program of the Washington state institute for public policy.
- (4) The joint select committee on Washington 2000 shall develop a plan and make recommendations for the implementation of an executive and legislative strategic planning process for the adoption of public policy and the funding of state programs. The plan shall address the

role of the executive and legislative branches in strategic planning, identify methods to provide for citizen input, and make recommendations regarding the structures and processes that could be used by the executive branch and by the legislature, including the budget-setting process, to adopt and implement such a strategic plan. The committee shall submit a preliminary report of findings and recommendations to the 1991 legislature.

Sec. 102. Section 102, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund Appropriation \$ 36,751,000

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

(1) \$250,000 is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the house of representatives and the secretary of state.

(2) \$163,000 is provided solely for the fellows program of the Washington state institute for public policy.

NEW SECTION. Sec. 103. A new section is added to chapter 19, Laws of 1989 1st ex. sess. to read as follows:

FOR THE REDISTRICTING COMMISSION

General Fund Appropriation \$ 221,000

Sec. 104. Section 105, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Fund Appropriation \$ ~~(1,098,000)~~
1,235,000

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

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

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

Sec. 105. Section 108, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund Appropriation \$ ~~(13,404,000)~~
13,927,000

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

(1) \$30,000 is provided solely for replacement of lighting fixtures in the Temple of Justice; and

(2) \$5,013,000 is provided solely for the indigent appeals program.

Sec. 106. Section 110, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund Appropriation \$ ~~(13,765,000)~~
13,932,000

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

Sec. 107. Section 111, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation \$ ~~(594,000)~~
769,000

The appropriation in this section is subject to the following conditions and limitations: \$75,000 is provided solely for the purpose of implementing Engrossed Substitute Senate Joint Resolution No. 8202.

Sec. 108. Section 112, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation \$ ~~(26,401,000)~~
27,707,000

Public Safety and Education Account Appropriation \$ ~~(22,850,000)~~
26,630,000

Total Appropriation \$ ~~(49,331,000)~~
54,337,000

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

(1) Within the appropriations provided in this section, the administrator for the courts, in conjunction with the indigent defense task force, shall review the feasibility of implementing an indigent defense cost recovery program in order to recover state expenses for the indigent

appeals program. The administrator for the courts also shall prepare recommendations regarding standards for indigency to be applied uniformly among courts throughout the state. Recommendations regarding a cost recovery program and indigency standards shall be submitted to the house of representatives appropriations and the senate ways and means committees by December 1, 1989.

(2) \$4,712,000 of the general fund appropriation is provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties. In administering TASC program contracts, the administrator for the courts shall monitor program expenditures, conduct program audits, and develop corrective action plans as necessary for contract compliance.

(3) ~~\$(15,555,000))~~ 16,681,000 of the general fund appropriation is provided solely for the superior court judges program.

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

(5) \$200,000 of the public safety and education account appropriation is provided solely for implementing Substitute Senate Bill No. 5474 or Substitute House Bill No. 1119 (court interpreters). ~~((If neither bill is enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(6) \$500,000 of the general fund appropriation is provided solely for a foster care review pilot project. In designing the project, the administrator for the courts shall: (a) Establish control groups, one with foster care review and one without, and (b) document the comparative impacts on court costs and foster care length-of-stay.

(7) \$5,758,000 of the public safety and education account appropriation is provided solely to implement the conversion of the district court information system (DISCIS) to a subsystem compatible with the other subsystems within the judicial information system. The amount provided in this subsection is intended to convert twenty-eight existing DISCIS sites and establish eight new sites. When providing equipment upgrades to an existing site, an equal amount of local matching funds shall be provided by the local jurisdiction. The administrator for the courts shall report to the legislature by January 15, 1990, on the reasonableness and feasibility of installing more DISCIS sites during the 1989-91 biennium.

(8) \$3,000,000 of the public safety and education account appropriation shall be held in reserve by the administrator for the courts until July 1, 1990.

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

(10) \$100,000 of the general fund appropriation is provided solely for the purpose of developing a court facility and security standards project.

(11) \$130,000 of the public safety and education account appropriation is provided solely to implement recommendations from the gender and justice task force. Of this amount: (a) \$55,000 is provided solely for creation of a task force on domestic violence issues. The task force shall undertake a study of domestic violence issues in the criminal justice system, and make recommendations for domestic violence reform; (b) \$30,000 is provided solely for the office of the administrator for the courts to initiate measures to educate and train judges, attorneys, and court personnel on domestic violence issues; and (c) \$45,000 is provided solely for a joint study of spousal maintenance and property division issues by the legislature and the superior court judges' association. By January 1, 1991, the study shall recommend changes to achieve greater economic equity among family members following dissolution of a marriage.

(12) \$200,000 of the public safety and education account appropriation is provided solely for the minority and justice task force program. Of this amount: (a) A maximum of \$150,000 may be expended to support creation of a Washington state minority justice commission to examine issues of racism and discrimination in the courts, and to implement the recommendations of the minority and justice task force; and (b) \$50,000 is provided solely for the office of the administrator for the courts to develop standards for a minority employment and recruitment program to increase minority representation in the courts.

(13) \$1,000,000 of the public safety and education account appropriation is provided solely for the purpose of implementing Engrossed Substitute House Bill No. 1237. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(14) \$250,000 of the public safety and education account appropriation is provided solely for development of trial court demonstration projects. These funds are to be matched by an

equal amount from federal funds. By January 1, 1990, the office shall report to the house of representatives appropriations committee and the senate ways and means committee on development of these projects.

(15) \$2,200,000 from the public safety and education account appropriation is provided solely for civil legal representation for indigents pursuant to Engrossed Substitute House Bill No. 1237. Of this amount, the administrator for the courts may not expend more than the amount collected through fees for this purpose under Engrossed House Bill No. 1237. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 109. Section 113, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

| | | |
|--|----|---------------------------|
| General Fund Appropriation—State | \$ | ((1,894,000)) |
| | | 12,154,000 |
| General Fund Appropriation—Federal | \$ | 27,779,000 |
| Total Appropriation | \$ | ((39,673,000)) |
| | | 39,933,000 |

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

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

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

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

(4) \$260,000 of the general fund—state appropriation is provided solely to establish and operate a crime victims' advocacy office pursuant to Engrossed Second Substitute Senate Bill No. 6259.

Sec. 110. Section 114, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

| | | |
|----------------------------------|----|------------------------|
| General Fund Appropriation | \$ | ((492,000)) |
| | | 542,000 |

The appropriations in this section are subject to the following conditions and limitations: \$50,000 of the general fund appropriation is provided solely to establish an information clearinghouse to encourage and promote public/private partnerships.

Sec. 111. Section 115, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

| | | |
|----------------------------------|----|--------------------------|
| General Fund Appropriation | \$ | ((1,209,000)) |
| | | 1,341,000 |

Sec. 112. Section 116, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

| | | |
|---|----|--------------------------|
| General Fund Appropriation | \$ | 8,042,000 |
| Archives and Records Management Account Appropriation | \$ | ((2,571,000)) |
| | | 2,659,000 |
| Department of Personnel Service Fund Appropriation | \$ | 447,000 |
| Total Appropriation | \$ | ((1,060,000)) |
| | | 11,148,000 |

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

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

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

(3) \$2,542,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(4) \$123,000 of the general fund appropriation is provided solely for expansion of the oral history program recently instituted by the archives and records management division.

Sec. 113. Section 117, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

| | | |
|----------------------------------|----|------------------------|
| General Fund Appropriation | \$ | ((290,000)) |
| | | 299,000 |

Sec. 114. Section 120, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

| | | |
|--|----|---------------------------|
| General Fund Appropriation | \$ | 902,000 |
| Motor Vehicle Fund Appropriation | \$ | 225,000 |
| Municipal Revolving Fund Appropriation | \$ | ((16,262,000)) |
| | | 16,567,000 |
| Auditing Services Revolving Fund Appropriation | \$ | ((16,338,000)) |
| | | 10,395,000 |
| Total Appropriation | \$ | ((27,727,000)) |
| | | 28,089,000 |

The appropriations in this section are subject to the following conditions and limitations: \$305,000 of the municipal revolving fund appropriation is provided solely for the increased workload associated with examining municipal insurance pools.

Sec. 115. Section 122, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

| | | |
|---|----|---------------------------|
| General Fund Appropriation—State | \$ | ((6,188,000)) |
| | | 6,948,000 |
| General Fund Appropriation—Federal | \$ | 1,664,000 |
| Legal Services Revolving Fund Appropriation | \$ | ((70,713,000)) |
| | | 73,166,000 |
| Motor Vehicle Fund Appropriation | \$ | 761,000 |
| New Motor Vehicle Arbitration Account Appropriation | \$ | 1,716,000 |
| Total Appropriation | \$ | ((81,042,000)) |
| | | 84,255,000 |

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

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

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

(3) ~~S((161,000))~~ 941,000 of the general fund—state appropriation is provided solely for expanding the computerized homicide information and tracking system. The attorney general shall report to the legislature, no later than January 14, 1991, on the homicide information and tracking system, as well as on the feasibility of expanding the system to include ~~((the violent crimes of rape, robbery, and arson))~~ sexual offenses and other serious violent crimes pursuant to Engrossed Second Substitute Senate Bill No. 6259. The report shall include a local agency financial participation analysis, a systems analysis that includes use of the incident-based reporting system (IBR) of the Washington association of sheriffs and police chiefs and of the criminal information system of the Washington state patrol, and a full-cost purchase analysis. The attorney general shall coordinate the preparation of this report with the office of financial management, the Washington association of sheriffs and police chiefs, and the Washington state patrol. \$760,000 of the amount provided in this subsection shall not be expended until the report is submitted to the legislature.

(4) The attorney general shall prepare an expenditure report describing actual expenditures from the legal services revolving fund for each agency receiving legal services. The report shall cover expenditures for fiscal year 1990. For each agency, the report shall describe: (a) Estimated and actual expenditures, including expenditures authorized through interagency agreements; (b) estimated and actual staffing levels; (c) services provided; and (d) current and future legal issues facing the agency. The report shall be submitted to the office of financial management and the fiscal committees of the house of representatives and senate by September 1, 1990.

(5) The attorney general shall notify the fiscal committees of the house of representatives and senate of any proposed interagency agreement for legal services. Notification shall be provided concurrently with the initial submittal of information on the proposed agreement to the office of financial management. Notification shall describe the purpose of the agreement, the cost of the legal services, and the need, if any, for continuation of these legal services beyond the period covered under the agreement.

Sec. 116. Section 125, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

| | | |
|--|----|---------------------------|
| Department of Personnel Service Fund Appropriation | \$ | ((14,498,000)) |
| | | 16,141,000 |

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

(1) \$80,000 of this amount is provided solely for the establishment of the new leadership fellowship program with Hyogo prefecture in Japan.

(2) (\$670,000 is provided solely for implementation of Engrossed House Bill No. 1360, House Bill No. 2236, or the career executive management program portion of Substitute Senate Bill No. 5140. If none of these bills is enacted by June 30, 1989, the amount provided in this subsection shall lapse.) \$125,000 of the appropriation is provided solely for implementation of those portions of Engrossed House Bill No. 2567 or Senate Bill No. 6444 relating to the career executive program. If neither of these bills is enacted by June 30, 1990, the amount provided in this subsection shall lapse.

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

(4) \$169,000 is provided solely for the establishment and coordination of a state employee benefits communication program including, but not limited to, a combined benefits handbook and a combined benefits newsletter. The editorial policy for the benefits communication program shall be established by a board consisting of representatives of the office of the state actuary, the office of financial management, the department of personnel, the department of retirement systems, and the Washington state health care authority. The department shall report to the appropriate committees of the legislature on the progress of the benefits communication program by January 15, 1991.

(5) \$65,000 is provided solely for an additional staffperson with expertise in compensation policy.

Sec. 117. Section 130, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense Fund Appropriation \$ ~~(22,381,000)~~
22,683,000

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

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

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

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

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

(5) The department shall be divided into three program areas of administration, data processing, and retirement operations.

(6) \$250,000 is provided solely for preparation and distribution of educational and informational material on retirement for the members of the state's retirement systems. The material shall include, but not be limited to: Updating of the plan statements of the state's retirement systems in a readily understandable form; development of easily understood explanations of specific retirement benefits and procedures for obtaining such benefits; and orientation information on retirement.

(7) \$52,000 of the appropriation is provided solely to reimburse the department of personnel for costs incurred by the department of personnel related to production of a combined benefits handbook and a combined benefits newsletter.

Sec. 118. Section 131, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account Appropriation \$ ~~(2,015,000)~~
2,121,000

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

(1) \$142,000 is provided solely for the information systems project known as the "state-wide investment management system."

(2) \$10,000 is provided solely to cover travel expenses for beneficiary members of the board to travel to conferences for board-related investment discussions and training.

Sec. 119. Section 132, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation \$ ~~(75,729,000)~~
77,973,000

| | | |
|---|----|---------------------------|
| Timber Tax Distribution Account Appropriation | \$ | ((3,302,000)) |
| | | 3,396,000 |
| State Toxics Control Account Appropriation | \$ | 100,000 |
| Solid Waste Management Account Appropriation | \$ | 92,000 |
| Pollution Liability Reinsurance Trust Account Appropriation | \$ | 286,000 |
| Vehicle Tire Recycling Account Appropriation | \$ | 122,000 |
| Total Appropriation | \$ | ((79,711,000)) |
| | | 81,969,000 |

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

(1) \$286,000 of the pollution liability reinsurance trust account appropriation is provided solely for implementation of Second Substitute House Bill No. 1180. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(2) \$122,000 of the vehicle tire recycling account appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1671. ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(3) \$92,000 of the solid waste management account appropriation is provided solely for implementing the provisions of Engrossed Substitute House Bill No. 1671. ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(4) \$1,936,000 of the general fund appropriation is provided solely for the cost of litigation involving the railroad revitalization and regulatory reform act.

Sec. 120. Section 136, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

| | | |
|----------------------------|----|--------------------------|
| General Fund Appropriation | \$ | ((2,076,000)) |
| | | 2,191,000 |

Sec. 121. Section 137, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

| | | |
|--|----|---------------------------|
| General Fund Appropriation—State | \$ | ((8,576,000)) |
| | | 9,518,000 |
| General Fund Appropriation—Federal | \$ | 1,715,000 |
| General Fund Appropriation—Private/Local | \$ | 99,000 |
| Motor Vehicle Fund Appropriation | \$ | ((330,000)) |
| | | 368,000 |
| Resource Management Cost Account Appropriation | \$ | 2,000 |
| State Wildlife Account Appropriation | \$ | 4,000 |
| Accident Fund Appropriation | \$ | 1,000 |
| State Patrol Highway Account Appropriation | \$ | 228,000 |
| Motor Transport Account Appropriation | \$ | ((10,712,000)) |
| | | 10,745,000 |

| | | |
|---|----|---------------------------|
| General Administration Facilities and Services Revolving Fund | | |
| Appropriation | \$ | ((21,498,000)) |
| | | 22,998,000 |
| Total Appropriation | \$ | ((43,158,000)) |
| | | 45,678,000 |

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

(1) The motor vehicle fund appropriation ((and)), state patrol highway account appropriation, resource management cost account appropriation, state wildlife account appropriation, and accident account appropriation are provided solely for risk management activities related to ((the motor vehicle fund and the state patrol highway account)) those specific funds and accounts.

(2) \$471,000 of the motor transport account appropriation is provided solely to establish the office of motor vehicle services as provided in chapter 57, Laws of 1989.

(3) \$120,000 of the general fund—state appropriation is provided solely to fund the provisions of House Bill No. 2802. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 122. Section 138, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF INFORMATION SERVICES

| | | |
|--|----|-----------|
| Data Processing Revolving Fund Appropriation | \$ | 2,392,000 |
| General Fund Appropriation | \$ | 209,000 |
| Total Appropriation | \$ | 2,601,000 |

The appropriations in this section are subject to the following conditions and limitations: The entire general fund appropriation is provided solely to develop a plan for a state-wide video telecommunications system. The plan shall: (1) Provide for an incremental and coordinated approach to development of a state-wide video telecommunications system; (2) consider the long-term video telecommunications needs of school districts, vocational-technical institutes, community colleges, universities, and state agencies; (3) provide options for resolving

access and governance issues; (4) seek to efficiently utilize existing resources and equipment; (5) estimate future budget needs; and (6) assess available funding options. The department shall submit the plan to the legislature by December 1, 1990.

Sec. 123. Section 139, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

| | | |
|---|----|----------------|
| Insurance Commissioner's Regulatory Account Appropriation | \$ | ((12,126,000)) |
| | | 12,471,000 |

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

(1) \$455,000 of the insurance commissioner's regulatory account appropriation is provided solely for the senior health insurance benefits advisors programs.

(2) The insurance commissioner shall report to the appropriate committees of the legislature by December 1, 1990, on the availability and cost of property insurance for businesses and residences located in inner city areas. The report shall analyze options for increasing the availability and reducing the cost of such insurance.

Sec. 124. Section 140, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

| | | |
|---|----|---------------|
| General Fund Appropriation | \$ | ((443,000)) |
| | | 461,000 |
| Certified Public Accountant Examination Account Appropriation | \$ | 655,000 |
| Total Appropriation | \$ | ((1,090,000)) |
| | | 1,116,000 |

Sec. 125. Section 144, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

| | | |
|---|----|----------------|
| Liquor Revolving Fund Appropriation | \$ | ((95,090,000)) |
| | | 95,148,000 |

The appropriation in this section is subject to the following conditions and limitations: \$50,000 is provided solely for the board to develop and implement a bailment inventory program.

Sec. 126. Section 146, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

| | | |
|--|----|----------------|
| Public Service Revolving Fund Appropriation | \$ | ((26,245,000)) |
| | | 26,522,000 |
| Grade Crossing Protective Fund Appropriation | \$ | 320,000 |
| Total Appropriation | \$ | ((26,565,000)) |
| | | 26,842,000 |

The appropriations in this section are subject to the following conditions and limitations: \$((347,000)) 277,000 of the public service revolving fund appropriation is ((contingent on the enactment)) provided solely for implementation of Engrossed Substitute House Bill No. 1671. ((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))

Sec. 127. Section 147, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE BOARD FOR VOLUNTEER ((FIREMEN)) FIREFIGHTERS

| | | |
|--|----|-------------|
| Volunteer ((Firefighter's)) Firefighters' Relief and Pension Administrative Fund Appropriation | \$ | ((315,000)) |
| | | 328,000 |

Sec. 128. Section 123, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

| | | |
|---|----|----------------|
| General Fund Appropriation | \$ | ((22,519,000)) |
| | | 23,369,000 |
| Hospital Commission Account Appropriation | \$ | 844,000 |
| Motor Vehicle Fund Appropriation | \$ | 101,000 |
| Total Appropriation | \$ | ((23,464,000)) |
| | | 24,314,000 |

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

((2)) (1) \$845,000 of the general fund appropriation and \$844,000 of the hospital commission account appropriation are provided solely for fiscal year 1991 and are subject to the following conditions:

(a) If, by June 30, 1989, Substitute Senate Bill No. 5385 (hospital data collection) is enacted and a department of health is created, the amounts provided in this subsection shall be transferred to the department of health solely for the purposes of Substitute Senate Bill No. 5385.

(b) If, by June 30, 1989, Substitute Senate Bill No. 5385 is not enacted and a department of health is created, the amounts provided in this subsection shall be transferred to the department of health solely for the purposes of data collection previously performed by the hospital commission.

(c) If, by June 30, 1989, Substitute Senate Bill No. 5385 is not enacted and a department of health is not created, the amounts provided in this subsection shall be retained by the office of financial management solely for the purposes of data collection previously performed by the hospital commission.

~~((7))~~ (2) The office of financial management shall study the effect on county revenues resulting from the designation of timber for processing within the state as specified under section 2 of Substitute Senate Bill No. 5911. The study shall determine the magnitude of revenue changes and shall include recommendations on methods to determine whether county forest board revenues declined, the amount of any decline, and possible methods to compensate counties for any decrease in revenue. The office shall report its findings to the appropriate committees of the senate and house of representatives by December 1, 1990.

(3) Within the appropriations provided in this section, the office of financial management shall study the state's program for the school for the blind and the school for the deaf. The study shall determine the management organization and fiscal practices necessary for maximum operational and financial efficiency of the school. The office shall report its findings to the appropriate committees of the senate and house of representatives by December 1, 1990.

(4) Within the appropriations provided in this section, the Washington state commission for efficiency and accountability shall develop a plan for the department of labor and industries to encourage voluntary compliance with employment standards by providing information to employers, auditing employers, and investigating alleged violations of the standards. The plan shall include a system of reporting the department's enforcement workload. The plan shall propose particular strategies for ensuring compliance with laws governing child labor, over-time compensation, and prevailing wages. The commission shall provide to the 1991 legislature a range of options to recover the costs of enforcement of each regulatory program. The legislature intends that businesses complying with employment standards not suffer a competitive disadvantage due to the noncompliance of other businesses.

(5) \$750,000 of the general fund appropriation is provided solely for a study of Washington employment training needs, and for an evaluation of current employment training providers and systems, as part of the human capital investment program described in Engrossed Second Substitute House Bill No. 2348. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(6) \$100,000 of the general fund appropriation is provided solely for the office to support development of a coordinated state approach to timber supply issues. This allocation is intended as a one-time contribution only.

(7) The Washington state commission for efficiency and accountability in government shall develop a plan and make recommendations for a structure, process, and methodologies to evaluate program effectiveness. The plan shall address general evaluation research techniques, data requirements, and cost estimates of various methods to evaluate the effectiveness of state-funded programs. The plan shall identify alternatives to current program evaluation that are based on the evaluation of expected programmatic outcomes. The commission shall submit a preliminary report of findings and recommendations to the appropriate legislative committees no later than January 1, 1991.

PART II HUMAN SERVICES

Sec. 201. Section 202, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

GENERAL VENDOR RATE INCREASES

In granting the vendor rate increases that specifically reference this section and that are funded by appropriations in sections 201 through 219 of this act ((which reference this section)), the department may vary percentage increases among vendor groups. In order to determine the percentage increases for each vendor group, the department may consider the gap between the vendor group's costs or market rates and department rates, and the extent to which a disproportionate share of the vendor group's revenue or activity is dependent on department clients. The department shall ensure that the overall average rate increase on January 1, 1990, does not exceed three percent and that the average overall increase on January 1, 1991, does not exceed two percent. The department may transfer funds among appropriations for the purposes of this section. In no case may transfers out of a section exceed the amounts appropriated for the purposes of this section. This section does not apply to rates for hospitals and nursing homes reimbursed under chapter 74.46 RCW.

Sec. 202. Section 203, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM

| | | |
|--|----|----------------------------|
| General Fund Appropriation—State | \$ | ((262,488,000)) |
| | | 282,790,000 |
| General Fund Appropriation—Federal | \$ | ((161,172,000)) |
| | | 171,502,000 |
| Public Safety and Education Account Appropriation | \$ | 400,000 |
| Drug Enforcement and Education Account—State Appropriation | \$ | 2,000,000 |
| Total Appropriation | \$ | ((424,660,000)) |
| | | 456,692,000 |

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

(1) \$4,152,000 of the general fund—state appropriation and \$293,000 of the general fund—federal appropriation are provided solely for reduction of the average caseloads for child protective and child welfare casework staff to a standard of thirty-two cases per staff.

(2) \$5,812,000 of the general fund—state appropriation is provided solely to expand services to families to reduce the need for family or group foster care. Of the amount provided in this subsection, \$2,560,000 is provided solely for additional homemakers; \$982,000 is provided solely for family reconciliation services (level II); \$1,000,000 is provided solely for home-based services or treatment for families receiving child protective services; and \$1,270,000 is provided solely for increased child care services.

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

(4) \$5,090,000 of the general fund—state appropriation and \$591,000 of the general fund—federal appropriation are provided solely to increase rates and services as follows: \$3,210,000 of the general fund—state appropriation and \$591,000 of the general fund—federal appropriation are provided solely for increased treatment and rates for family foster care and child placement agencies; \$500,000 of the general fund—state appropriation is provided solely for increased grants to domestic violence shelter programs; \$200,000 of the general fund—state appropriation is provided solely for increased grants to victims of sexual assault programs; and \$1,180,000 of the general fund—state appropriation is provided solely for increased rates for therapeutic child care.

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

(6) \$694,000 of the general fund—state appropriation is provided solely for expansion of the homebuilders program in Thurston, King, Skagit, and Jefferson counties.

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

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

(9) \$5,133,000 of the general fund—state appropriation and \$2,559,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the children and family services program, as specified in section 202 of this act.

(10) \$2,020,000 of the general fund—state appropriation is provided solely for foster care diversion projects established under section 203(15), chapter 289, Laws of 1988. The department shall continue or expand those projects showing positive outcomes in both benefits to families and cost neutrality. The department shall report to the appropriate committees of the legislature by January 8, 1990, on these projects. The reports shall include a description of each project, the cost of each project, and an assessment of its effectiveness.

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

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

(13) \$2,000,000 of the drug enforcement and education account—state appropriation is provided solely for the care of children affected by substance abuse by their mothers. Of this amount:

(a) \$600,000 is provided solely for the treatment of infants who are medically fragile as a result of substance abuse by their mothers. Treatment shall be provided at pediatric interim care centers that give temporary medical care to detoxify foster care infants born under the influence of cocaine or other drugs, including alcohol; and

(b) \$1,400,000 is provided solely to increase the number of special needs infants and children receiving therapeutic child care services.

(14) \$600,000 from the general fund—state appropriation is provided solely for child care for clients of the maternity care access ("first steps") program.

(15) \$1,700,000 of the general fund—state appropriation and \$111,000 of the general fund—federal appropriation are provided solely for child care licensing. The legislature intends that .3 of an attorney general FTE shall be added at the effective date of this act, and that an additional 2.0 attorneys general FTEs shall be added effective January 1, 1991.

(16) \$9,800,000 of the general fund—state appropriation and \$1,292,000 of the general fund—federal appropriation are provided solely for vendor rate increases for out-of-home placements.

(17) \$924,000 of the general fund—state appropriation and \$126,000 of the general fund—federal appropriation are provided solely for contracts, including administrative costs, for transportation of clients of child protective services and child welfare services. The legislature intends that this amount help reduce the time that caseworkers must spend transporting clients.

(18) \$3,700,000 of the general fund—state appropriation is provided solely to implement the family independence program child care rate structure and child slot system in other child care programs offered by the department.

(19) \$2,000,000 of the general fund—state appropriation is provided solely for increases in the number of department-subsidized slots for child care.

(20) \$1,650,000 of the general fund—state appropriation is provided solely for the continuation of the four continuum-of-care sites until June 30, 1991. The legislature intends that this amount shall be used for direct services provided at these sites and to collect risk assessment data on children served by the sites.

(21) \$245,000 of the general fund—state appropriation is provided solely for parent education and support, including such groups as Parents Anonymous. Of this amount, \$45,000 is provided for the Washington Council for the Prevention of Child Abuse and Neglect to monitor programs and further develop the database clearinghouse project.

(22) \$380,000 of the general fund—state appropriation is provided solely for increased compensation for residential care services provided by the Seattle YMCA.

(23) \$2,000,000 of the general fund—state appropriation is provided solely for the expansion of the Women, Infants and Children program to include children ages three through six.

(24) \$750,000 of the general fund—state appropriation is provided solely for additional funding for the annual family planning service package and services related to sexually transmitted diseases. The department shall ensure that this additional funding is not used to supplant current funding efforts.

(25) \$500,000 of the general fund—state appropriation is provided solely for domestic violence programs.

(26) \$2,500,000 of the general fund—state appropriation is provided solely for establishment of a program for pregnancy prevention and support for young pregnant women and their partners.

(a) Of this amount, \$2,180,000 is provided solely for administration and funding of six comprehensive community-based pilot projects for teen pregnancy prevention and support for young pregnant women and their partners. Applications for funding shall:

(i) Define the community requesting services;

(ii) Contain evidence of active participation of public and private entities in the community that are, or might appropriately provide, pregnancy prevention activities and services to support young pregnant women and their partners;

(iii) Demonstrate establishment of a local project advisory board composed of teenagers and a broad cross-section of community members who have an interest in teen pregnancy prevention and support to young pregnant women and their partners;

(iv) Indicate the designation, by majority vote of the local project advisory board, of a lead agency for the project, and provide evidence of written interagency agreements to carry out project activities;

(v) Describe the coordinated system that the community will develop for providing services under the project;

(vi) Describe the services and activities that will be undertaken by the project, including identification of specific services and activities for which funding is requested, that have the goal of achieving the following outcomes: Increasing the number of community members

receiving pregnancy prevention and pregnancy support education and services, reducing teen pregnancy rates, and increasing the number of teen parents completing high school or vocational training, and becoming employed;

(vii) Provide assurances that priority for services, other than educational programs, will be given to people with low incomes;

(viii) Provide assurances that the project will be sensitive and responsive to the plurality of community values and to the cultural and ethnic heritage of community members;

(ix) Identify community matching funds, provided in cash or in kind by private or public entities in the community equal to twenty-five percent of the total funding requested for the project; and

(x) Provide assurances that the project will cooperate, through the provision of requested data and information, with evaluation of the project.

Funds provided to communities under this subsection shall not be expended for medical services funded pursuant to chapter 74.09 RCW. Project grants shall be made competitively, based upon information provided in the applications for funding and the likelihood of achieving the outcomes specified in (a)(vi) of this subsection. Projects shall have an initial duration of two years. Individual project funding shall not exceed five hundred thousand dollars per year, including community matching funds.

(b) Of this amount, \$20,000 is provided solely for design of an evaluation by an independent entity of the effectiveness of the program established by this subsection.

(c) Of this amount, \$300,000 is provided solely for a state-wide media campaign on teen pregnancy prevention and pregnancy options, including adoption, directed to teens, their parents, and organizations working with teens.

The department shall report on the status of implementation of the program and proposed design of the evaluation to appropriate committees of the legislature on or before January 1, 1991.

On January 1, 1991, all remaining funds appropriated pursuant to this subsection shall be transferred to the department of health, when the division of parent and child health services is transferred pursuant to RCW 43.70.080.

(27) \$55,000 of the general fund—state appropriation is provided solely for the Crosswalks Street Youth Program.

(28) \$1,196,000 of the general fund—state appropriation is provided solely for the treatment of sexually aggressive youth pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(29) \$175,000 of the general fund—state appropriation is provided solely to conduct separate pilot projects in King and Spokane counties for the joint investigation of child abuse and sexual assault cases by local law enforcement personnel and state child protective caseworkers pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(30) \$1,525,000 of the general fund—state appropriation is provided solely for treatment of sexually abused children pursuant to section 1402 of Engrossed Second Substitute Senate Bill No. 6259.

NEW SECTION. Sec. 203. A new section is added to chapter 19, Laws of 1989 1st ex. sess. to read as follows:

The sum of \$9,138,000, or as much thereof as may be necessary, of which \$1,138,000 shall be from federal funds, is appropriated from the general fund for the biennium ending June 30, 1991, to the department of social and health services, children and family services program, solely for the cost of additional caseworkers for child protective services and child welfare services who are hired above the level appropriated by the legislature in the 1989 legislative session, in order to reduce the caseload ratios in those services. Of this amount, at least \$6,000,000 shall be used for salaries and benefits of the caseworkers, no more than \$845,000 may be used for additional attorneys general and support staff, and the balance shall be used for equipment, office space, and additional clerical support.

Sec. 204. Section 14, chapter 10, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

The sum of ten million one hundred fifty-three thousand dollars, or as much thereof as may be necessary, of which five million three hundred thirty-six thousand dollars shall be from federal funds, is appropriated from the ((state)) general fund for the biennium ending June 30, 1991, to the department of social and health services, children and family services program, for the purpose of establishing a maternity care support service system as prescribed in this act. At least \$100,000 of the appropriation shall be spent for public education and information on the service system.

Sec. 205. Section 204, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

| | | |
|--|----|----------------|
| General Fund Appropriation—State | \$ | ((33,512,000)) |
| | | 34,809,000 |
| General Fund Appropriation—Federal | \$ | 134,000 |

Total Appropriation \$ ~~((33,646,000))~~
 34,943,000

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

(a) \$418,000 of the general fund—state appropriation is provided solely for vendor rate increases for vendors providing service to the juvenile rehabilitation program, as specified in section 202 of this act.

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

(c) \$1,606,000 of the general fund—state appropriation is provided solely for the cost of court ordered evaluations of juvenile sex offenders to determine their amenability to treatment and for costs associated with providing outpatient sex offender treatment and community supervision as part of the special sexual offender disposition alternative pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(d) \$150,000 of the general fund—state appropriation is provided solely for outpatient treatment services for juvenile sex offender parolees, and for additional juvenile parole staff required as a result of an increase in the length of parole for juvenile sex offenders pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(e) \$171,000 of the general fund—state appropriation is provided solely for the costs of establishing three regional juvenile sex offender treatment coordinators, providing training for regional staff, and establishing resource libraries, pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State \$ ~~((47,376,000))~~
 47,729,000
 General Fund Appropriation—Federal \$ 871,000
 Total Appropriation \$ ~~((48,247,000))~~
 48,600,000

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

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

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

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

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

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

~~((e))~~ (v) Policy changes necessary to accomplish the plan.

(b) \$284,000 of the general fund—state appropriation is provided solely for three institutional juvenile sex offender treatment coordinators, specialized treatment services for juvenile sex offenders, training for institutional staff, and resource libraries, pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(3) PROGRAM SUPPORT

General Fund Appropriation \$ 2,905,000
 Sec. 206, Section 205, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State \$ ~~((168,222,000))~~
 180,113,000
 General Fund Appropriation—Federal \$ ~~((91,552,000))~~
 94,945,000
 General Fund Appropriation—Local \$ 3,360,000
 Total Appropriation \$ ~~((263,134,000))~~
 278,418,000

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

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

(i) It is the intent of the legislature to implement mental health reform on a multi-year schedule. Dramatic escalation of costs for new programs would impair the state's ability to proceed with subsequent expansion. The contracts shall contain a fiscal plan that will ensure that the increased cost of maintaining fiscal year 1991 programs in fiscal year 1992 will not unduly exceed the rate of inflation. Of the amounts provided in this subsection, a maximum of

\$500,000 from the general fund—state appropriation may be used for planning and technical assistance grants to counties or regions wishing to form networks. The amounts in this subsection include moneys needed to implement the federal omnibus budget and reconciliation act of 1987 ("OBRA"). First priority for necessary mental health services shall be given to individuals transferred from nursing homes because of OBRA. Such services shall be consistent with an individual's discharge plan and shall include residential services, if needed. Assumptions regarding the number of transfers from the nursing homes shall be incorporated into each contract and shall be consistent with the state-wide plan. The department shall coordinate OBRA transfers consistent with the provisions of each contract. The secretary shall negotiate contracts ((with networks from areas comprising no more than two-thirds of the state's population. Contracts shall be negotiated in at least two competitive rounds. The first round of contracts shall be effective no later than January 1, 1990. The last round of contracts shall be effective no later than March 1, 1990.)) only with networks that received recognition as of January 1, 1990. Funding for networks that were recognized but not funded in January 1990, shall commence January 1, 1991.

(ii) The department shall continue contracting directly for the Kitsap mental health services residential care alternative project until such time as Kitsap county becomes or joins a regional support network. The reimbursement rate per available bed-day shall not exceed \$206 in fiscal year 1990 and \$210 in fiscal year 1991. During the contract period, all eligible involuntary treatment referrals for Kitsap county residents shall be made to the project. No involuntary referrals shall be made to western state hospital unless the Kitsap residential treatment facility is filled to capacity and the mental health division and the Kitsap county mental health coordinator concur with the referral. Priority for referral to western state hospital shall be given to individuals under ninety-day or one hundred eighty-day commitments and individuals who have exhausted all community placement options.

(iii) The department may continue to contract directly with Chartley house until King county joins or becomes a regional support network.

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

(c) \$5,500,000 of the general fund—state appropriation is provided solely for increases for involuntary treatment act administration, including costs associated with involuntary medication hearings.

(d) \$2,200,000 of the general fund—state appropriation is provided solely for information system requirements associated with chapter 205, Laws of 1989.

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

(f) \$1,400,000 of the general fund—state appropriation and \$500,000 of the general fund—federal appropriation are for community mental health services for children. Priority for the remaining moneys shall be given to maintaining Title XIX eligibility for children's outpatient services at risk of losing federal financial participation because of lack of state match.

(g) \$3,509,000 of the general fund—state appropriation and \$1,322,000 of the general fund—federal appropriation are for vendor rate increases for vendors providing services to the mental health program, as specified in section 202 of this act.

(h) \$3,000,000 of the general fund—state appropriation and \$2,000,000 of the general fund—federal appropriation are provided solely for the enhancement of children's mental health services. The department shall contract with networks and counties through separate performance-based contracts. Applications from counties and networks shall include endorsements from affected school districts, child welfare agencies, juvenile court systems, and tribes. Of these amounts, \$200,000 is provided solely for the development of a state-wide action plan for children's mental health. The plan shall include strategies to reduce duplicate case management. It shall recommend changes, if necessary, to mental health statutes and other statutes to accommodate children's special needs and circumstances. It shall include proposals to increase access and availability of culturally relevant mental health services for minority children. It shall propose a protocol for client referrals from educational and social service agencies and a cross-system collaborative process for ranking those referrals. In developing the plan, the department shall involve representatives of the education, juvenile justice, child welfare, and mental health systems. The department shall present the plan by December 1, 1990, to the appropriate program and fiscal committees of the house of representatives and the senate.

(i) \$1,500,000 of the general fund—state appropriation is provided solely for up to three comprehensive community-based pilot programs for the prevention of community violence;

(i) Pilot programs shall be established through a competitive selection process and shall provide for coordination between local law enforcement agencies and courts, local government, domestic violence and victims' support programs, public health agencies, health care providers, schools, and relevant programs within state agencies. Each program shall designate a lead agency, and develop written interagency agreements to provide a coordinated continuum of services. Pilot programs shall make every effort to preserve existing violence intervention programs and coordinate available funding for services related to community violence prevention and services to victims of violence.

(ii) Each pilot program shall provide at least the following services: Services to family members who are victims of violence; services to victims of violent crime; case management services; specialized intervention programs for treatment of perpetrators of violence; parenting and caregiver training to families experiencing or at-risk of experiencing violence; and public education regarding community violence.

(iii) Twenty-five percent of the funding for pilot programs shall be provided in-kind or in cash by public or private entities in communities administering pilot programs.

(iv) Pilot programs shall have a duration of three years, and shall include a provision for evaluation of services provided through the program.

(2) INSTITUTIONAL SERVICES

| | | |
|--|----|----------------------------|
| General Fund Appropriation—State | \$ | ((205,687,000)) |
| | | 208,720,000 |
| General Fund Appropriation—Federal | \$ | ((10,809,000)) |
| | | 10,877,000 |
| Total Appropriation | \$ | ((216,496,000)) |
| | | 219,597,000 |

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

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

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

(c) \$2,920,000 is for improving housekeeping and maintenance.

(d) \$2,750,000 is for improved staffing at the state hospitals.

(e) \$2,550,000 is for research and teaching activities in cooperation with universities, colleges, community colleges, and vocational technical institutes. In developing these relationships, the secretary shall give highest priority to activities which improve staff recruitment, retention, and development and contribute to improving quality of care.

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

(g) \$960,000 of the general fund—state appropriation is provided solely for costs incurred by the attorney general and county governments in the civil commitment of sexually violent predators pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(h) \$654,000 of the general fund—state appropriation is provided solely for providing treatment of civilly committed sexual predators pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(3) PROGRAM SUPPORT

| | | |
|--|----|-----------|
| General Fund Appropriation—State | \$ | 3,347,000 |
| General Fund Appropriation—Federal | \$ | 1,379,000 |
| Total Appropriation | \$ | 4,726,000 |

(4) SPECIAL PROJECTS

| | | |
|--|----|--------------------------|
| General Fund Appropriation—State | \$ | ((1,250,000)) |
| | | 1,858,000 |
| General Fund Appropriation—Federal | \$ | 2,966,000 |
| Total Appropriation | \$ | ((4,224,000)) |
| | | 4,824,000 |

The appropriation in this subsection is subject to the following conditions and limitations: ~~\$((600,000))~~ 1,200,000 of the general fund—state appropriation is provided solely to expand the primary intervention program to ~~((ten))~~ twenty additional school districts beginning in ~~((1989-90))~~ 1989-91.

Sec. 207, Section 206, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

| | | |
|--|----|---|
| General Fund Appropriation—State | \$ | ((104,169,000)) 120,499,000 |
| General Fund Appropriation—Federal | \$ | ((85,326,000)) 99,402,000 |
| Total Appropriation | \$ | ((189,495,000)) 219,901,000 |

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

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

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

(c) \$2,785,000 of the general fund—state appropriation and \$1,413,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the developmental disabilities program, as specified in section 202 of this act.

(d) To the extent feasible, the department shall enable at least twenty-two developmentally disabled persons, initially from Clark county, who have been transferred from residential habilitation centers due to downsizing to receive residential and day programming services in Clark county.

(e) \$8,194,000 of the general fund—state appropriation and \$5,462,000 of the general fund—federal appropriation are provided solely for salary and benefit increases, effective April 1, 1990, for employees at community-contracted residential facilities serving the developmentally disabled.

(f) \$300,000 of the general fund—state appropriation is provided solely for contracting with a not-for-profit organization for the purpose of promoting supported employment services for the developmentally disabled. Any agreement for the use of a portion of this appropriation shall require that an amount at least equal to one-half of that portion be contributed from nonstate sources for the same purpose. The department shall audit the not-for-profit organization at the end of the biennium to ensure that the organization has secured the required matching funds.

(g) \$1,500,000 of the general fund—state appropriation is provided solely for salary and benefit increases for employees at community contracted programs providing vocational services to developmentally disabled adults as of January 1, 1990. The amount provided in this subsection shall be disbursed as a rate increase of a dollar-amount per client in service as of January 1, 1990, and shall take effect on July 1, 1990.

(h) \$1,391,000 of the general fund—state appropriation is provided solely for supervision and treatment of developmentally disabled individuals who have a history of sexually predatory or violent and assaultive behavior, are not incarcerated and cannot be civilly committed, and whose family or other caregivers cannot provide sufficient supervision or care to prevent the individual from engaging in further sexually predatory or violent and assaultive behaviors, pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(2) INSTITUTIONAL SERVICES

| | | |
|--|----|---|
| General Fund Appropriation—State | \$ | ((104,849,000)) 105,025,000 |
| General Fund Appropriation—Federal | \$ | ((117,407,000)) 127,731,000 |
| Total Appropriation | \$ | ((222,336,000)) 232,756,000 |

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

(a) \$1,000,000 of the general fund—state appropriation and \$675,000 of the general fund—federal appropriation are provided solely to fund the provisions of Engrossed Substitute House Bill No. 1051. If Engrossed Substitute House Bill No. 1051 is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

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

(c) The appropriations in this subsection do not include amounts for salary increases for attendant counselors, which are provided in section 707 of this act.

(3) PROGRAM SUPPORT

| | | |
|--|----|-----------|
| General Fund Appropriation—State | \$ | 3,879,000 |
| General Fund Appropriation—Federal | \$ | 626,000 |
| Total Appropriation | \$ | 4,505,000 |

NEW SECTION. Sec. 208. A new section is added to chapter 19, Laws of 1989 1st ex. sess. to read as follows:

(1) The appropriations in section 207 of this act include funds for operation of private or state-operated community residential facilities for clients currently residing in state-operated residential habilitation centers. These clients shall be placed in community residential programs under RCW 71A.20.080 to facilitate continued compliance with federal intermediate care facility—mentally retarded certification standards.

(2) Clients affected by this section, and their parents or guardians, shall be offered: (a) Tours of potential community placements and day service programs; and (b) the opportunity to meet with program administrators, and with residents and their parents or guardians who have previously moved back to the community from residential habilitation centers. The secretary of the department of social and health services shall develop a coordinated and collaborative planning process involving the residents and their parents, guardians, or other representatives, state employees, community residential and day service providers, and other appropriate organizations, to ensure the residents' best interests are considered.

(3) The secretary shall report to appropriate legislative committees on the number and residential living status of clients who return to the community. The report shall include: (a) A description of the process used to place residents; (b) procedures designed to ensure their medical and habilitative needs are met; and (c) The implementation of activities involved in returning clients to the community. The first report shall be submitted by September 1, 1990. The second legislative report shall be submitted by January 1, 1991.

Sec. 209. Section 207, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

| | |
|--|---|
| FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—LONG-TERM CARE SERVICES | |
| General Fund Appropriation—State | \$ (445,753,000) 459,393,000 |
| General Fund Appropriation—Federal | \$ (499,185,000) 518,310,000 |
| General Fund Appropriation—Local | \$ 296,000 |
| Total Appropriation | \$ (945,234,000) 977,999,000 |

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

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

(2) \$3,200,000 of the general fund—state appropriation is provided solely to enhance respite care services.

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

(4) \$2,100,000 of the general fund—state appropriation and \$700,000 of the general fund—federal appropriation are provided solely to increase medical benefits for contracted chore service workers, contracted personal care workers, and contracted COPEs workers.

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

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

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

(8) \$700,000 of the general fund—state appropriation is provided for new and expanded volunteer chore services.

(9) \$4,270,000 of the general fund—state appropriation and \$813,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to long-term care services, as specified in section 202 of this act.

(10) \$500,000 of the general fund—state appropriation is provided solely to enhance quality assurance for adult family homes through enhanced survey, licensing, and contracted consultation activities. If House Bill No. 1968 is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(11) In addition to the adjustments for inflation set forth in subsection (1) of this section, \$1,410,000 of the general fund—state appropriation and \$1,590,000 of the general fund—federal appropriation are provided solely for a special prospective inflation adjustment for the nursing services cost center. The special adjustment shall go into effect July 1, 1989, and shall be set at a level to ensure that the amount provided in this subsection is sufficient to fund the

special adjustment through June 30, 1991. The special adjustment shall be used only to fund wages and benefits and shall not be used to fund nursing pool expenses. The legislature finds that medicaid reimbursement rates, in every cost center and rate period, are and have been adequate, without enhancements, to meet costs that must be incurred by economically operated nursing care in compliance with all state or federal health and safety standards.

(12) \$3,686,000, of which \$1,596,000 is from the general fund—state appropriation, is provided solely for the maximum needs allowance for at-home spouses of nursing home residents as provided in chapter 87, Laws of 1989. The maximum needs allowance is set at \$1,000 per month per at-home spouse.

(13) The department shall seek to amend the Title XIX long-term care plan and related regulations to prevent nursing home placements of mentally ill persons eligible for Medicaid who are determined by the department not to be in need of a nursing home level of care. The department shall adopt procedures for referring these individuals to the regional support networks for appropriate residential services.

(14) \$3,400,000 from the general fund—federal appropriation and \$2,800,000 from the general fund—state appropriation are provided solely to increase the nursing services cost center reimbursement lid pursuant to Substitute House Bill No. 2423. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 210. Section 208, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME ASSISTANCE PROGRAM

| | | |
|------------------------------------|----|----------------------------|
| General Fund Appropriation—State | \$ | ((374,337,000)) |
| | | 438,538,000 |
| General Fund Appropriation—Federal | \$ | ((406,684,000)) |
| | | 568,525,000 |
| Total Appropriation | \$ | ((780,421,000)) |
| | | 1,007,063,000 |

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

(1) \$8,661,000 of the general fund—state appropriation and \$10,026,000 of the general fund—federal appropriation are provided solely for a two percent standard increase beginning January 1, 1990, for the aid to families with dependent children, noncontinuing general assistance, and refugee assistance programs.

(2) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to ~~\$((200,000,000))~~ 230,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

| | | | | | | | | |
|--------------|---|----|----|-----|-----|-----|-----|-----------|
| Family size: | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 or more |
| Exemption: | \$((36 47 56 67 77 87 101 111)) | | | | | | | |
| | 63 | 81 | 99 | 117 | 135 | 153 | 177 | 195 |

~~((4))~~ (3) \$250,000 of the general fund—state appropriation and \$117,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services for the income assistance program, as specified in section 202 of this act.

~~((5))~~ (4) The department shall expand the family independence program by four sites to a total of fifteen sites.

~~((6))~~ (5) Moneys from these appropriations may be spent for general assistance programs not included in section 209 of this act.

(6) \$13,346,000 of the general fund—state appropriation and \$13,132,000 of the general fund—federal appropriation are provided solely for an income assistance grant increase of 8.6% effective January 1, 1991. This grant increase is sufficient to meet the 1989-91 biennium requirements for grant increases under Engrossed Second Substitute House Bill No. 2910.

(7) \$3,143,000 of the general fund—state appropriation and \$283,000 of the general fund—federal appropriation are provided solely for implementing Substitute House Bill No. 2610. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(8) \$430,000 of the general fund—state appropriation and \$506,000 of the general fund—federal appropriation are provided solely for emergency rent and utility deposits for aid to families with dependent children clients and general assistance clients.

(9) \$1,700,000 of the general fund—state appropriation is provided solely for general assistance-unemployable intensive protective payees.

Sec. 211. Section 210, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES PROGRAM

| | | |
|----------------------------------|----|------------|
| General Fund Appropriation—State | \$ | 28,872,000 |
|----------------------------------|----|------------|

| | | |
|---|-----------|---------------------------|
| General Fund Appropriation—Federal | \$ | ((17,651,000)) |
| | | 38,941,000 |
| <u>Drug Enforcement and Education Account—State Appropriation</u> | <u>\$</u> | <u>2,300,000</u> |
| Total Appropriation | \$ | ((46,523,000)) |
| | | 70,113,000 |

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

(1) \$1,204,000 of the general fund—state appropriation and \$32,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services for the community social service program, as specified in section 202 of this act.

(2) \$700,000 of the general fund—state appropriation is provided solely to expand refuge assistance services.

(3) In order to achieve a more equitable rate structure, the department, in consultation with affected parties, shall revise its rates for vendors providing services for the alcohol and drug addiction treatment and support program by reducing outpatient treatment rates and increasing inpatient treatment rates.

(4) \$550,000 of the drug enforcement and education account—state appropriation is provided solely for youth employment programs for drug-involved youth who are or have been under the jurisdiction of the department of social and health services, division of juvenile rehabilitation. Services shall be provided by the corrections clearinghouse and Washington service corps operated by the department of employment security.

(5) \$500,000 of the drug enforcement and education account—state appropriation is provided solely for outreach to chemically dependent pregnant women and for the operation of transitional sobriety housing for recovering chemically dependent pregnant women and their children.

(6) \$1,250,000 of the drug enforcement and education account—state appropriation is provided solely for drug treatment for families and disadvantaged groups.

Sec. 212. Section 211, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ALCOHOL AND DRUG TREATMENT AND SUPPORT PROGRAM—ASSESSMENT AND TREATMENT

| | | |
|--|----|---------------------------|
| General Fund Appropriation—State | \$ | ((17,116,000)) |
| | | \$17,727,000 |
| General Fund Appropriation—Federal | \$ | 9,948,000 |
| Total Appropriation | \$ | ((27,064,000)) |
| | | 27,675,000 |

The appropriations in this section ~~((ts))~~ are subject to the following conditions and limitations:

(1) This appropriation is provided solely for assessment and treatment services under the alcohol and drug addiction treatment and support act and is the maximum amount that may be spent for those services. First priority for receipt of inpatient and outpatient treatment services shall be given to pregnant women and parents of young children. The department shall conserve the moneys from this appropriation so that services are available throughout the 1989-91 biennium.

(2) \$1,528,000 of the general fund—state appropriation is provided solely for child care for children of parents in outpatient drug and alcohol treatment.

Sec. 213. Section 212, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ALCOHOL AND DRUG TREATMENT AND SUPPORT PROGRAM—SHELTER

| | | |
|----------------------------------|----|---------------------------|
| General Fund Appropriation | \$ | ((10,639,000)) |
| | | 3,423,000 |

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

(1) This appropriation is provided solely for shelter services under the alcohol and drug addiction treatment and support act and is the maximum amount that may be spent for those services. The department shall conserve the moneys from this appropriation so that services are available throughout the 1989-91 biennium.

(2) A person is eligible for shelter services provided by this appropriation only if he or she:

(a) Meets the financial eligibility requirements contained in RCW 74.04.005;

(b) Is incapacitated from gainful employment due to a condition contained in (c) of this subsection, which incapacity will likely continue for a minimum of sixty days; and

(c) (i) Suffers from active addiction to alcohol or drugs manifested by physiological or organic damage resulting in functional limitation, based on documented evidence from a physician, psychologist, or alcohol or drug treatment professional who is determined by the department to be qualified to make this finding; or

(ii) Suffers from active addiction to alcohol or drugs to the extent that impairment of the applicant's cognitive ability will not dissipate with sobriety or detoxification, based on documented evidence from a physician, psychologist, or alcohol or drug treatment professional who is determined by the department to be qualified to make this finding.

(3) Any rule by the department pursuant to section 2, chapter 3, Laws of 1989, as amended, shall be consistent with these conditions and limitations.

(4) Consistent with RCW 74.50.010(7), the department shall aggressively develop and contract for shelter services, including dormitory-style shelters.

Sec. 214. Section 213, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM

| | | |
|--|----|-----------------------------|
| General Fund Appropriation—State | \$ | ((688,479,000)) |
| | | 700,492,000 |
| General Fund Appropriation—Federal | \$ | ((666,599,000)) |
| | | 691,877,000 |
| Total Appropriation | \$ | ((+355,078,000)) |
| | | 1,392,369,000 |

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

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

(2) The senate committee on ways and means and the house of representatives committee on appropriations shall jointly contract for a management and financial study of Harborview medical center, for the purpose of determining whether the cause of the actual and projected operating losses experienced by Harborview medical center are attributable to management practices within the hospital itself, or whether they are fundamentally attributable to the context in which the hospital operates.

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

(4) \$7,014,000 of the general fund—state appropriation and \$6,928,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the medical assistance program, as specified in section 202 of this act.

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

(6) \$14,473,000 of the general fund—state appropriation and \$17,566,000 of the general fund—federal appropriation are provided solely for the adult dental program for Title XIX categorically eligible and medically needy persons.

(7) \$7,552,000 of the general fund—state appropriation and \$7,237,000 of the general fund—federal appropriation are provided solely to increase children's access to basic health care through increases in payment rates for medical assistance and children's health services. \$1,652,000 of the general fund—state amount and \$553,000 of the general fund—federal amount in this subsection are provided solely to increase rates for managed care providers. The department shall adjust rates to ensure that no managed care provider is paid less than the state-wide average fee-for-service equivalent. The rate increases provided in this subsection shall become effective July 1, 1990.

(8) \$1,900,000 of the general fund—state appropriation and \$2,000,000 of the general fund—federal appropriation are provided for the restoration of chiropractic services for medical assistance clients beginning November 1, 1990.

(9) \$4,474,000 of the general fund—state appropriation and \$2,155,000 of the general fund—federal appropriation are provided solely for the improvement of low-income children's access to health care and for the expansion of health care services for children up to age eighteen from families with incomes below the federal poverty level. If Engrossed Substitute House Bill No. 2603 is enacted by June 30, 1990, the expansion shall become effective January 1, 1991. If Engrossed Substitute House Bill No. 2603 is not enacted by June 30, 1990, the amounts provided in this subsection shall lapse.

(10) The department may, by intra-agency agreement, transfer funding from the appropriations for the medical assistance program to other department programs to provide non-hospital care for infants born with alcohol or drug addiction. Up to \$500,000 of the general fund—state appropriation shall be transferred to the division of children and family services to provide specialized support and services to foster parents of these specialized needs babies. The support and services may include case management services, personal care services, specialized medical equipment, training, respite services, and counseling services. The department shall prospectively reimburse foster care providers of infants and children affected

by maternal use of or exposure to alcohol, drugs, or AIDS. Where possible, the department shall claim federal match for this less expensive alternative to hospital care. When it is deemed medically necessary for an infant to remain in the hospital setting, the infant shall not be transferred to a nonhospital setting. Transfer of the amounts under this subsection shall continue only if the department is able to demonstrate savings. The department shall report to the appropriate fiscal and program committees of the house of representatives and the senate on the implementation of this section no later than November 15, 1990.

Sec. 215. Section 214, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PUBLIC HEALTH PROGRAM

| | | |
|---|----|---------------------------|
| General Fund Appropriation—State | \$ | 60,308,000 |
| General Fund Appropriation—Federal | \$ | 14,468,000 |
| General Fund Appropriation—Local | \$ | ((10,951,000)) |
| | | <u>10,707,000</u> |
| Public Safety and Education Account Appropriation | \$ | 200,000 |
| State Toxics Control Account Appropriation | \$ | 828,000 |
| Total Appropriation | \$ | ((86,755,000)) |
| | | <u>86,511,000</u> |

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

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

(2) \$4,000,000 of the general fund—state appropriation is provided solely to enhance funding for AIDS education, high-risk intervention, counseling and testing, case management, continuum of care, and coordination and planning activities through the regional AIDSNET program established by chapter 70.24 RCW. State moneys provided for AIDSNET activities may not be used to supplant other funds. The office on AIDS, established by RCW 70.24.250, shall require AIDSNET lead counties to develop regional service plans which meet state standards for uniformity and consistency. The state standards shall ensure that all the provisions of RCW 70.24.400(3) are implemented uniformly throughout the state.

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

~~((5))~~ (4) \$150,000 of the state toxics control account appropriation is provided solely to contract with the University of Washington for toxicology research, evaluation, and technical assistance regarding health risks of toxic substances.

~~((6))~~ (5) \$200,000 of the public safety and education account is provided solely for a study of the trauma care system.

Sec. 216. Section 216, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

| | | |
|--|----|---------------------------|
| General Fund Appropriation—State | \$ | ((55,295,000)) |
| | | 55,604,000 |
| General Fund Appropriation—Federal | \$ | ((36,264,000)) |
| | | <u>36,794,000</u> |
| Institutional Impact Account Appropriation | \$ | ((80,000)) |
| | | 230,000 |
| Total Appropriation | \$ | ((91,639,000)) |
| | | <u>92,628,000</u> |

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

(1) \$666,000 of the general fund—state appropriation is provided solely to enhance the department's accounting system.

(2) \$230,000 of the general fund—state appropriation is provided solely for transfer to the institutional impact account.

(3) \$83,000 of the general fund—state appropriation is provided solely for notification of victims and witnesses pursuant to Engrossed Second Substitute Senate Bill No. 6259.

Sec. 217. Section 217, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SERVICES ADMINISTRATION PROGRAM

| | | |
|------------------------------------|----|----------------------------|
| General Fund Appropriation—State | \$ | ((165,471,000)) |
| | | 169,531,000 |
| General Fund Appropriation—Federal | \$ | ((188,364,000)) |
| | | <u>203,303,000</u> |

Total Appropriation \$ ~~((353,775,000))~~
 372,834,000

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

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

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

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

(4) \$600,000 of the general fund—state appropriation and \$1,149,000 of the general fund—federal appropriation are provided solely for transfer by July 1, 1989, by interagency agreement to the legislative budget committee for the purpose of an independent evaluation of the family independence program as required by section 14, chapter 434, Laws of 1987.

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

(6) \$137,000 of the general fund—state appropriation is provided solely for vendor rate increases for vendors providing services to the community services program, as specified in section 202 of this act.

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

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

(8) \$750,000 of the general fund—state appropriation is provided solely for a nursing career ladder program at community colleges and vocational-technical institutes for family independence program clients. These moneys shall be used solely for faculty salaries and benefits and indirect support costs related to the nursing career ladder program. The program shall help prepare clients to become certified nursing assistants, licensed practical nurses, and associate degree nurses. The goal of the program shall be to provide education opportunities to one hundred fifty family independence program clients.

(9) \$45,000 of the general fund—state appropriation and \$135,000 of the general fund—federal appropriation are provided solely for transfer to the legislative budget committee for the urban institute family independence study.

(10) \$2,052,000 of the general fund—state appropriation and \$4,104,000 of the general fund—federal appropriation are provided solely for the purchase of performance-based employment services for family independence program enrollees as authorized by Second Substitute House Bill No. 2393.

Sec. 218, Section 218, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REVENUE COLLECTIONS PROGRAM

General Fund Appropriation—State \$ ~~((39,600,000))~~
 39,576,000
 General Fund Appropriation—Federal \$ ~~((70,720,000))~~
 70,752,000
 General Fund Appropriation—Local \$ 949,000
 Total Appropriation \$ 111,277,000

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

(1) \$2,391,000 of the general fund—state appropriation and \$4,696,000 of the general fund—federal appropriation are provided solely for the enforcement of health insurance provisions of child support orders pursuant to Substitute House Bill No. 1547 (medical support enforcement). If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(2) \$3,419,000 of the general fund—state appropriation and \$6,786,000 of the general fund—federal appropriation are provided solely to implement the requirements of the family support act.

(3) \$1,800,000 of the general fund—state appropriation, \$4,940,000 of the general fund—federal appropriation, and \$706,000 of the general fund—local appropriation are provided solely to implement recommendations made to the office of support enforcement by the efficiency commission. Authority to expend \$1,115,000 of the general fund—state appropriation, \$3,059,000 of the general fund—federal appropriation, and \$438,000 of the general fund—local appropriation for information projects named in this subsection is conditioned on compliance with section 802 of this act. For the purposes of this subsection, "information systems projects" means the projects known by the following name or successor names: Office of support enforcement case tracking and collection.

(4) \$1,429,000 of the general fund—state appropriation, \$828,000 of the general fund—federal appropriation, and \$43,000 of the general fund—local appropriation are provided solely for information systems projects named in this subsection for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with section 802 of this act. For the purposes of this subsection, "information systems projects" means the projects known by the following names or successor names: Office of financial recovery accounts receivable management system.

(5) \$207,000 of the general fund—state appropriation and \$403,000 of the general fund—federal appropriation are provided solely for the implementation of the employer reporting amendments to RCW 26.23.040 contained in House Bill No. 1635 (support enforcement). If these amendments are not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

Sec. 219, Section 219, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM

| | | |
|--|----|---|
| General Fund Appropriation—State | \$ | ((36,187,000)) 38,418,000 |
| General Fund Appropriation—Federal | \$ | ((17,041,000)) 17,110,000 |
| Total Appropriation | \$ | ((55,228,000)) 55,528,000 |

NEW SECTION. Sec. 220. A new section is added to chapter 19, Laws of 1989 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF HEALTH

| | | |
|---|----|------------|
| General Fund Appropriation—State | \$ | 8,458,000 |
| Health Professions Account | \$ | 941,000 |
| State Toxics Account | \$ | 935,000 |
| Medical Test Site Licensure Account | \$ | 244,000 |
| Total Appropriation | \$ | 10,578,000 |

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

(1) \$120,000 of the general fund—state appropriation is provided solely to fund the cancer reporting network pursuant to Second Substitute House Bill No. 2077. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(2) \$48,000 of the general fund—state appropriation is provided solely for food transport regulations pursuant to Second Substitute House Bill No. 2270. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(3) \$938,000 of the general fund—state appropriation is provided solely to compensate for underfunding of administration support costs due to the establishment of the department as a separate agency.

(4) \$703,000 of the general fund—state appropriation is provided solely to compensate for underfunding of information services costs due to establishment of the department as a separate agency. It is not the intent of the legislature that transition funding be provided for local area network equipment.

(5) \$205,000 of the general fund—state appropriation is provided solely for a chief of health statistics, chief of consumer assistance, and a chief of epidemiology.

(6) \$139,000 of the general fund—state appropriation is provided solely for the board of health.

(7) \$1,218,000 of the general fund—state appropriation is provided solely for additional funding for monitoring of and AZT treatment for low-income individuals who are HIV-positive but who do not have Class IV disease or AIDS.

(8) \$2,464,000 of the general fund—state appropriation is provided solely for childhood vaccine expansion effective July 1, 1990.

(9) \$546,000 of the general fund—state appropriation is provided solely for Ethropoietin drug treatment for low-income kidney dialysis patients.

(10) \$200,000 of the general fund—state appropriation is provided solely for rural health care access.

(11) \$1,300,000 of the general fund—state appropriation is provided solely for the regional AIDSNET program as follows:

(a) \$650,000 of this amount is provided solely for AIDS education and prevention services and shall be distributed to the regional AIDSNETs based on the allocation formula set forth in RCW 70.24.400(6)(a); and

(b) \$650,000 of this amount is provided solely for case management and continuum of care services and shall be distributed to the regional AIDSNETs based on the number of class IV AIDS cases (as defined by the federal centers for disease control) reported to the department of health for calendar year 1989.

Sec. 221. Section 220, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HEALTH CARE AUTHORITY

| | | |
|--|----|--------------------------|
| State Employees Insurance Administrative Account Appropriation | \$ | ((6,203,000)) |
| | | 7,117,000 |

The appropriation in this section is subject to the following conditions and limitations: \$49,000 of the appropriation is provided solely to reimburse the department of personnel for costs incurred by the department of personnel related to production of a combined benefits handbook and a combined benefits newsletter.

Sec. 222. Section 221, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

| | | |
|---|----|----------------------------|
| General Fund Appropriation—State | \$ | ((50,487,000)) |
| | | 102,718,000 |
| General Fund Appropriation—Federal | \$ | ((124,725,000)) |
| | | 125,612,000 |
| General Fund Appropriation—Private/Local | \$ | 269,000 |
| Building Code Council Account Appropriation | \$ | 809,000 |
| Public Works Assistance Account Appropriation | \$ | 933,000 |
| Fire Service Training Account Appropriation | \$ | 750,000 |
| State Toxics Control Account Appropriation | \$ | 519,000 |
| Low Income Weatherization Account Appropriation | \$ | ((6,007,000)) |
| | | 13,000,000 |
| Washington Housing Trust Fund Appropriation | \$ | 3,500,000 |
| Total Appropriation | \$ | ((197,999,000)) |
| | | 248,110,000 |

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

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

(2) \$200,000 of the general fund—state appropriation is provided solely for development of a state-wide food stamp assistance outreach program. No portion of this amount may be expended without a match of an equal amount from federal funds.

(3) ~~\$((3,500,000))~~ 8,500,000 of the general fund—state appropriation is provided solely for security costs associated with the goodwill games, subject to the following conditions and limitations:

(a) ~~((A maximum of))~~ Of this amount an initial allocation not greater than \$1,500,000 may be expended by the department to develop, in consultation with the Washington state patrol, local governments, the Seattle goodwill games organizing committee, and appropriate federal authorities, a coordinated security plan for the 1990 goodwill games. The department may provide additional funding for security plan development as provided in (d) of this subsection.

~~((b))~~ The security plan shall contain an assessment of the security requirements for the goodwill games; a definition of the policy goals; and a description of the roles and responsibilities of federal, state, and local agencies in preparing and implementing the plan. The plan shall contain a detailed security plan element for the athletes village and for each of the local event venues. The plan shall provide a detailed budget that outlines how federal, state, local government resources, and Seattle goodwill games organizing committee resources will be used to meet the financial requirements of the plan. The plan shall consider the experiences of other states in providing security for such events. The initial plan shall be completed no later than November 1, 1989, and shall be submitted to the appropriate committees of the legislature no later than January 8, 1990. Refinements to the security plan for the goodwill games shall continue through July 15, 1990.

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

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

(ii) No more than ~~\$(200,000)~~ 150,000 of the amount provided in this subsection may be expended for administration of the plan.

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

~~(iv))~~ Only direct ~~((personnel))~~ costs related to event security shall be eligible for general fund—state reimbursement. Local revenue losses and expenses for reducing normal workloads shall not be eligible for reimbursement from the amount provided in this subsection.

~~((v))~~ (iv) No amount shall be expended for local governments prior to an agreement by the Seattle goodwill games organizing committee to contribute at least \$2,000,000 to local governments to help defray the costs of preparing and implementing the security plan. The \$2,000,000 from the Seattle goodwill games organizing committee may be used to defray both the direct and indirect additional costs of security experienced by local governments and state entities, including the University of Washington, as a result of the goodwill games. The agreement by the Seattle goodwill games organizing committee shall also indemnify the state from any liability resulting from the games.

(c) \$5,450,000 shall be provided to local governments and the Washington state patrol on the basis of the local security plan.

(d) Up to \$1,400,000 of the remaining amount shall be allocated as follows: (i) The department shall assess security requirements identified by local governments through the Seattle Organizing Committee that were not considered for funding in the original security plan. The department shall evaluate and may grant new requests for additional funding from the amount provided in this subsection (3)(d), but local revenues lost as a result of the Goodwill Games shall not be eligible for reimbursement; and (ii) the department shall present a final report to the house of representatives appropriations committee and the senate ways and means committee by June 1, 1990, detailing the amounts each jurisdiction will receive for security costs. The report shall identify all reimbursement provided as a result of the amount provided in this subsection (3)(d).

(4) \$3,000,000 of the general fund—state appropriation is provided solely for grants to emergency shelters.

(5) \$526,000 of the general fund—state appropriation is provided solely for the department's emergency food assistance program.

(6) \$250,000 of the general fund—state appropriation is provided solely for providing representation to indigent persons in dependency proceedings under chapter 13.34 RCW.

(7) ~~\$(13,900,000)~~ 16,900,000 of the general fund—state appropriation is provided solely to increase the number of children enrolled in the early childhood education program.

(8) \$120,000 is provided solely for the department to provide grants to nonprofit organizations for the purpose of locating at least one additional reemployment center in areas of the state adversely impacted by reductions in timber harvested from federal lands. Each center shall provide direct and referral services to the unemployed. These services may include but are not limited to reemployment assistance, medical services, social services including marital counseling, mortgage foreclosure and utility problem counseling, drug and alcohol abuse counseling, credit counseling, and other services deemed appropriate. These services shall not supplant the on-going efforts of any reemployment centers existing on the effective date of this act. Not more than five percent of this amount may be used for administrative costs of the department.

~~((+9))~~ (9) \$307,000 of the general fund—state appropriation is provided solely for the department to continue homeport activities.

~~((+10))~~ (10) \$200,000 of the general fund—state appropriation is provided solely to assist Okanogan county with planning activities to address impacts associated with major tourism developments.

~~((+11))~~ (11) \$75,000 of the general fund—state appropriation is provided solely for increased grants to public radio and television stations, consistent with RCW 43.63A.410 through 43.63A.420. In determining the allocation of grants to stations, the department shall strive to provide rural stations equitable access to these funds.

~~((+12))~~ (12) \$200,000 of the general fund—state appropriation is provided solely for a pilot rural revitalization program.

~~((+13))~~ (13) \$150,000 of the general fund—state appropriation is provided solely for the department to contract with the University of Washington for development and continuation of the children's telecommunication project.

~~((+14) \$200,000)~~ (14) \$500,000 of the general fund—state appropriation is provided solely to enhance the long-term care ombudsman program. Of this amount: (a) \$75,000 is provided solely to ensure adequate legal assistance to both residents of long-term care facilities and staff of the program; (b) \$200,000 is provided solely to establish at least four additional service sites; (c) \$19,000 is provided solely for recruitment and training of volunteers; and (d) \$6,000 is provided solely for an annual state-wide training conference.

(15) \$11,800,000 of the general fund—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2929. Of this amount: (a) \$10,000,000 is provided solely for grants to counties and cities; (b) \$1,000,000 is provided solely for the department to provide

technical assistance and mediation assistance to local governments for the development and implementation of comprehensive plans; (c) \$550,000 is provided for grants to rural communities; and (d) \$250,000 is provided solely for the inventory and collection of data on public and private land use. If Engrossed Substitute House Bill No. 2929 is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(16) \$100,000 is provided solely for the department to provide grants to local communities for the development of annual amateur athletic events. Expenditure of this amount is contingent on a requirement in each grant agreement for the use of these moneys that for each dollar spent from these moneys at least one dollar from nonstate sources be expended for the same purpose. In-kind contributions shall not be considered as an eligible match. The grants shall be provided for direct expenses related to the events, and shall not be used for administrative purposes.

(17) \$15,000,000 of the general fund—state appropriation is provided solely for the housing trust fund program. The appropriation in this subsection is provided solely for grants and loans authorized under chapter 43.185 RCW, and shall not be used for the department's administrative costs. Of this amount \$2,500,000 is provided solely for housing assistance for children of which: (a) At least one-half is solely for the aid to families with dependent children client rent subsidy project; and (b) \$500,000 is solely to implement the homelessness prevention pilot program under Second Substitute House Bill No. 2405. If the bill is not enacted by June 30, 1990, \$500,000 of the amount provided in this subsection shall lapse.

(18) \$250,000, of which \$170,000 is general fund—state appropriation and \$80,000 is general fund—federal appropriation, is provided solely for development of a seismic safety program. The department shall create a seismic safety advisory board to make recommendations to the legislature for improving the state's earthquake preparedness. The advisory board shall evaluate and consider the earthquake resistance of public buildings and public schools and develop earthquake awareness and education programs. The advisory board shall develop an emergency response plan for provision of essential public services in the event of a major earthquake. The department shall report to the senate and house of representatives committees on energy and utilities by December 1, 1991. An interim report shall be made to the committees by December 1, 1990.

(19) \$200,000 of the general fund—state appropriation is provided solely to implement the economic diversification program under Engrossed Substitute House Bill No. 2706. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(20) \$90,000 of the general fund—state appropriation is provided solely for planning new permanent displays of natural and cultural history and shall be transferred to the Thomas Burke Memorial Washington State Museum.

(21) \$70,000 of the general fund—state appropriation is provided solely for implementing the volunteer service program as provided for in Substitute House Bill No. 2370. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(22) \$2,813,000 of the general fund—state appropriation is provided for grants to local programs and providers that aid victims of crime, pursuant to Engrossed Second Substitute Senate Bill No. 6259. No more than \$53,000 of the amount provided in this subsection may be spent for administration of the grant program.

(23) \$90,000 of the general fund—state appropriation is provided solely to implement the children's ombudsman program.

NEW SECTION. Sec. 223. A new section is added to chapter 19, Laws of 1989 1st ex. sess. to read as follows:

The following sums, or as much thereof as may be necessary, are appropriated from the general fund—federal appropriation for the biennium ending June 30, 1991, to the department of community development for the drug control and system improvement formula grant program, to be distributed as follows:

(1) \$3,202,000 to local units of government.

(2) \$150,000 to the Washington state patrol for a clandestine drug lab unit. The patrol shall coordinate activities related to the clandestine lab with the department of ecology to ensure maximum effectiveness of the program.

(3) \$500,000 to the department of corrections to provide prison industry projects at new prison camps, designed to place inmates in a realistic working and training environment.

(4) \$250,000 to the department of community development to provide resources for the design, coordination, and implementation of programs which will reduce drug and gang activities in high density population areas. These programs shall be provided through local contractors including low-income housing organizations and housing authorities.

(5) \$550,000 to the department of social and health services, division of juvenile rehabilitation, to issue a state-wide request for proposals that offer local governments, communities, schools, and the private sector matching grants to help prevent young people from joining gangs. Any agreement for the use of a portion of these moneys shall require that an amount at least equal to forty percent of that portion, including in-kind contributions, be contributed from nonstate sources for the same purpose. No single agency may receive in one biennium more

than one grant, and no grant may exceed \$100,000 in value, including the value of nonstate matching amounts.

(6) \$500,000 to the Washington state patrol for support of two new drug law enforcement task forces.

(7) The department of community development, in consultation with the governor's drug policy board, shall make recommendations to the governor concerning expenditure of moneys from the federal drug control and system improvement formula grant program for inclusion in the budget. The drug policy board shall consider chapter 271, Laws of 1989 as state policy for purposes of establishing spending priorities for federal antidrug funds.

Sec. 224. Section 224, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

| | | |
|---|----|--------------------------|
| Death Investigations Account Appropriation | \$ | 35,000 |
| Public Safety and Education Account Appropriation | \$ | ((8,443,000)) |
| | | 9,680,700 |
| Total Appropriation | \$ | ((8,678,000)) |
| | | 9,715,700 |

The appropriations in this section are subject to the following conditions and limitations: \$22,000 from the public safety and education account appropriation shall be provided solely for computer programming costs for the Washington association of sheriffs and police chiefs to implement Engrossed House Bill No. 2237 (racial bias and bigotry). If the bill is not enacted by June 30, 1990, the amount provided in this section shall lapse.

Sec. 225. Section 225, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

| | | |
|---|----|----------------------------|
| General Fund Appropriation | \$ | 9,277,000 |
| Public Safety and Education Account Appropriation—State | \$ | ((18,334,000)) |
| | | 19,764,000 |
| Public Safety and Education Account Appropriation—Federal | \$ | 2,000,000 |
| Accident Fund Appropriation | \$ | ((100,104,000)) |
| | | 101,549,000 |
| Electrical License Fund Appropriation | \$ | ((11,882,000)) |
| | | 12,408,000 |
| Farm Labor Revolving Account Appropriation | \$ | 30,000 |
| Medical Aid Fund Appropriation | \$ | ((119,330,000)) |
| | | 120,289,000 |
| Asbestos Account Appropriation | \$ | 1,314,000 |
| Plumbing Certificate Fund Appropriation | \$ | 696,000 |
| Pressure Systems Safety Fund Appropriation | \$ | 1,476,000 |
| Worker and Community Right-to-Know Fund Appropriation | \$ | 2,406,000 |
| Total Appropriation | \$ | ((266,849,000)) |
| | | 271,209,000 |

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

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

~~((3))~~ (2) \$216,000 of the worker and community right-to-know appropriation, \$575,000 of the accident fund appropriation, and \$101,000 of the medical fund appropriation are provided to fund the provisions of House Bill No. 2222 (chapter 380, Laws of 1989). If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(3) \$206,000 from the accident fund appropriation and \$206,000 from the medical aid fund appropriation are provided solely to reimburse the legal services revolving fund for increased salary costs of existing attorney general staff.

(4) \$650,000 from the accident fund appropriation and \$650,000 from the medical aid fund appropriation are provided solely for a health evaluation program within the department to monitor new trends in worker illnesses and injuries.

(5) \$132,000 from the accident fund appropriation and \$23,000 from the medical aid fund appropriation are provided solely for the Worksafe 90 program designed to reduce workplace accidents and illnesses.

(6) \$1,430,000 of the public safety and education account—state appropriation is provided solely for the crime victims' compensation fund, pursuant to Engrossed Second Substitute Senate Bill No. 6259.

Sec. 226. Section 227, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

| | | |
|--|----|---------------------------|
| General Fund Appropriation—State | \$ | 20,229,000 |
| General Fund Appropriation—Federal | \$ | ((5,726,000)) |
| | | 5,987,000 |
| General Fund Appropriation—Local | \$ | 7,802,000 |
| Total Appropriation | \$ | ((33,757,000)) |
| | | 34,018,000 |

Sec. 227. Section 228, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

| | | |
|----------------------------------|----|---------------------------|
| General Fund Appropriation | \$ | ((74,807,000)) |
| | | 75,421,800 |

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

(a) To the extent feasible, the department shall increase the daily board and room charges authorized under RCW 72.65.050 for work release participants to \$15.00.

(b) \$327,000 of the general fund—state appropriation is provided solely for polygraph and plethysmograph testing of individuals who have been convicted of a sex offense, and which is required as a condition of their release, pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(2) INSTITUTIONAL SERVICES

| | | |
|----------------------------------|----|----------------------------|
| General Fund Appropriation | \$ | ((300,806,000)) |
| | | 313,412,700 |

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

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

(b) \$172,000 of the general fund—state appropriation is provided solely to accommodate increased prison inmate populations as a result of the increased criminal penalties pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(c) \$678,000 of the general fund—state appropriation is provided solely for custody and security of civilly committed sexual predators pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(d) \$1,107,000 of the general fund—state appropriation is provided solely to increase the number of sex offenders receiving treatment in the state correctional system, pursuant to Engrossed Second Substitute Senate Bill No. 6259. Specifically, during the 1989-91 biennium, residential treatment and day treatment shall be expanded to two hundred and one hundred seventy beds, respectively.

(3) ADMINISTRATION AND PROGRAM SUPPORT

| | | |
|--|----|---------------------------|
| General Fund Appropriation | \$ | ((22,531,000)) |
| | | 24,081,000 |
| Institutional Impact Account Appropriation | \$ | 332,000 |
| Total Appropriation | \$ | ((22,863,000)) |
| | | 24,413,000 |

This appropriation is subject to the following conditions and limitations:

(a) \$300,000 of the general fund appropriation is provided solely for mitigating the impact of inmate-family households on local criminal justice and social service resources for the cities of Walla Walla and College Place and the county of Walla Walla.

(b) \$49,000 of the general fund—state appropriation is provided solely to develop computer link-ups with the Washington state patrol to permit access to information on offenders, pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(4) INSTITUTIONAL INDUSTRIES

| | | |
|----------------------------------|----|-----------|
| General Fund Appropriation | \$ | 2,622,000 |
|----------------------------------|----|-----------|

(5) The appropriations in this section are subject to the following conditions and limitations: The department shall present a study on incarceration issues to the fiscal committees of the legislature no later than November 1, 1990, which:

(a) Identifies inmates who do not have a history of violence or aggressive acts who could be considered for release or for housing in community-based facilities without substantial risk to public safety; and

(b) Examines alternatives to incarceration in terms of public safety, cost, implementation, and impact on the need for prison construction.

Sec. 228. Section 402, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sum of twenty-one million three hundred five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections. Of this amount, ~~((eight million eight hundred))~~ one million six hundred ninety-four thousand dollars is for operational costs associated with the additional prison population due to the new crimes and increased penalties established by sections 101 through 112 of this act. The remaining ~~((twelve million five~~

~~hundred five~~) nineteen million six hundred eleven thousand dollars is for the purpose of renovating or constructing additional facilities needed as a result of the new crimes and penalties.

Sec. 229. Section 231, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON BASIC HEALTH PLAN

| | | |
|----------------------------|----|-------------------------|
| General Fund Appropriation | \$ | (27,215,000) |
| | | 21,191,000 |

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

Sec. 230. Section 233, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

| | | |
|---|----|----------------------------|
| General Fund Appropriation—State | \$ | ((129,000)) |
| | | 599,000 |
| General Fund Appropriation—Federal | \$ | ((162,308,000)) |
| | | 159,308,000 |
| General Fund Appropriation—Local | \$ | 12,489,000 |
| Administrative Contingency Fund | | |
| Appropriation—Federal | \$ | ((8,953,000)) |
| | | 11,737,000 |
| Unemployment Compensation Administration Fund Appropriation—Federal | \$ | 118,169,000 |
| Employment Service Administration Account Appropriation—Federal | \$ | 790,000 |
| Employment Service Administration Account Appropriation—State | \$ | 6,823,000 |
| Federal Interest Payment Fund Appropriation | \$ | 2,100,000 |
| Total Appropriation | \$ | ((311,761,000)) |
| | | 312,014,000 |

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

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

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

(3) \$370,000 of the general fund—state appropriation is provided solely for a pilot program integrating drug prevention and job training. If Engrossed Second Substitute House Bill No. 2348 is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(4) \$160,000 of the general fund—state appropriation is provided solely for a pilot program to retrain rural dislocated timber and wood product workers. If Engrossed Second Substitute House Bill No. 2348 is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 231. Section 236, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is repealed.

Sec. 232. Section 407, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sums of four million ~~((nine hundred))~~ five hundred sixty-nine thousand dollars from the drug enforcement and education account—state and three hundred thirty-one thousand dollars from the general fund—federal, or as much thereof as may be necessary, ~~((is))~~ are appropriated for the biennium ending June 30, 1991, ~~((from the drug enforcement and education account))~~ to the department of social and health services for the purposes of sections 301 through 309 of this act.

Sec. 233. Section 409, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sums of ~~((five))~~ two million ~~((five))~~ seven hundred ~~forty-eight~~ thousand dollars from the drug enforcement and education account—state and two million seven hundred fifty-two thousand dollars from the general fund—federal, or as much thereof as may be necessary, ~~((is))~~ are appropriated for the biennium ending June 30, 1991, ~~((from the drug enforcement and education account))~~ to the department of social and health services for maternity care support services for alcohol and drug-abusing pregnant women. Support services shall include substance abuse treatment programs specifically designed to serve pregnant women and post-partum women and their infants and children. A continuum of treatment shall be provided, to include one or more of the following components:

(1) Inpatient treatment programs capable of serving pregnant women and postpartum women and infants:

(2) An ambulatory treatment facility serving women and their infants who test positive for the human immunodeficiency virus (HIV) or the acquired immunodeficiency syndrome (AIDS):

(3) Transition housing or safe living space for pregnant and postpartum women and infants:

(4) Outpatient or follow-up treatment which includes a provision for child care.

The department shall maximize federal participation for support services provided under this section to eligible persons under the medical assistance program, Title XIX of the federal social security act.

Sec. 234. Section 414, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sums of ~~((twelve)) eleven~~ million two hundred thousand dollars ~~from the drug enforcement and education account—state and one million dollars from the general fund—federal~~, or as much thereof as may be necessary, ~~((is)) are~~ appropriated for the biennium ending June 30, 1991, ~~((from the drug enforcement and education account))~~ to the department of social and health services to provide inpatient youth assessment and treatment programs to serve youth and their families. At least forty percent of new inpatient treatment slots provided under this section shall be located east of the Cascade mountains. Up to fifteen of the treatment slots created under this section shall be staff-secure. Inpatient treatment programs shall incorporate appropriate outpatient and aftercare programs. In addition, within appropriated funds, the department shall develop intensive outpatient treatment services for children and youth for whom inpatient treatment is inappropriate or unavailable.

Sec. 235. Section 419, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sums of ~~((four)) one hundred eighty-three~~ thousand dollars ~~from the drug enforcement and education account—state and two hundred seventeen thousand dollars from the general fund—federal~~, or as much thereof as may be necessary, are appropriated for the biennium ending June 30, 1991, ~~((from the drug enforcement and education account))~~ to the department of social and health services for distribution to counties for methadone treatment pursuant to chapter 69.54 RCW, subject to the following conditions and limitations: This sum is provided solely for the purpose of increasing the number of persons for whom methadone treatment is available, and the department shall distribute funds under this section to a county only for the establishment of new treatment centers and only if a county attempts to recover the cost of methadone treatment by charging user fees based on ability to pay.

PART III

NATURAL RESOURCES

Sec. 301. Section 301, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE ENERGY OFFICE

| | | |
|--|----|---------------------------|
| General Fund Appropriation—State | \$ | 2,086,000 |
| General Fund Appropriation—Federal | \$ | ((+0,832,000)) |
| | | <u>12,366,000</u> |
| General Fund Appropriation—Private/Local | \$ | 260,000 |
| Geothermal Account Appropriation—Federal | \$ | 22,000 |
| Building Code Council Account Appropriation | \$ | ((40,000)) |
| | | <u>105,000</u> |
| Solid Waste Management Account Appropriation | \$ | 150,000 |
| Energy Code Training Account Appropriation | \$ | 30,000 |
| Total Appropriation | \$ | ((+3,390,000)) |
| | | <u>15,019,000</u> |

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

(1) The entire solid waste management account appropriation is provided solely to implement the energy-related provisions of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the solid waste management account appropriation is null and void.

(2) \$153,000 of the general fund—state appropriation is provided solely to implement Substitute Senate Bill No. 5174 (state hydropower plan). ~~((if the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

Sec. 302. Section 304, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

| | | |
|---|----|---------------------------|
| General Fund Appropriation—State | \$ | ((59,767,000)) |
| | | <u>62,767,000</u> |
| General Fund Appropriation—Federal | \$ | 27,024,000 |
| General Fund Appropriation—Private/Local | \$ | 432,000 |
| Flood Control Assistance Account Appropriation | \$ | 3,852,000 |
| Special Grass Seed Burning Research Account Appropriation | \$ | ((41,000)) |
| | | <u>81,000</u> |
| Reclamation Revolving Account Appropriation | \$ | 474,000 |

| | | |
|--|-----------|---------------------------------|
| Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess. | \$ | 389,000 |
| Litter Control Account Appropriation | \$ | (6,755,000) |
| | | <u>6,830,000</u> |
| State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26) | \$ | 2,627,000 |
| State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39) | \$ | (1,167,000) |
| | | <u>1,286,000</u> |
| State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38) | \$ | 1,586,000 |
| Stream Gaging Basic Data Fund Appropriation | \$ | (142,000) |
| | | <u>300,000</u> |
| Vehicle Tire Recycling Account Appropriation | \$ | 6,494,000 |
| Water Quality Account Appropriation | \$ | (2,551,000) |
| | | <u>2,961,000</u> |
| Wood Stove Education Account Appropriation | \$ | (232,000) |
| | | <u>482,000</u> |
| Worker and Community Right-to-Know Fund Appropriation | \$ | 285,000 |
| State Toxics Control Account | \$ | (26,173,000) |
| | | <u>40,243,000</u> |
| Local Toxics Control Account | \$ | (23,047,000) |
| | | <u>41,328,000</u> |
| Water Quality Permit Account Appropriation | \$ | 7,135,000 |
| Solid Waste Management Account Appropriation | \$ | 5,600,000 |
| Underground Storage Tank Account Appropriation | \$ | 3,658,000 |
| Hazardous Waste Assistance Account Appropriation | \$ | 2,317,000 |
| Total Appropriation | \$ | (180,251,000) |
| | | <u>218,151,000</u> |

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

(1) \$344,000 of the general fund—state appropriation is provided solely for costs associated with the development of a single headquarters building.

(2) \$1,010,000 of the general fund—state appropriation is provided solely as an enhancement to the water resources program.

(3) \$250,000 of general fund—state appropriation is provided solely for the initial development of a cost accounting system. Authority to expend these funds is conditioned on compliance with the requirements set forth in section 802 of this act.

(4) ~~((A maximum of \$2,209,000 of the general fund—state appropriation may be expended for the auto emissions inspection and maintenance program. If Engrossed Substitute House Bill No. 1104 is not enacted by June 30, 1989, the amount provided in this subsection shall lapse))~~ In administering the auto emissions inspection and maintenance program, the department may expend not more than an amount equal to the amount collected from auto emissions inspections fees during the biennium ending June 30, 1991.

(5) ~~((The entire underground storage tank account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1086. If the bill is not enacted by June 30, 1989, the underground storage tank account appropriation is null and void. In implementing Engrossed Substitute House Bill No. 1086.))~~ In implementing chapter 90.76 RCW, the department shall use, to the greatest extent possible, local government and private sector expertise in meeting installation, closure, testing, and monitoring requirements. In consultation with the Washington pollution insurance program administrator, the department shall implement interim enforcement procedures for chapter 90.76 RCW by December 1, 1990. The interim enforcement procedures shall be consistent with the intent of both chapters 90.76 and 70.148 RCW, and shall be designed to encourage participation in the insurance program.

(6) The entire solid waste management account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the solid waste management account appropriation and the amounts provided in subsections (7), (8), and (9)~~((and (10)))~~ are null and void.

~~((7))~~ (7) \$1,000,000 of the solid waste management account appropriation is provided solely for assisting local governments in establishing the feasibility of food and yard waste composting.

~~((8))~~ (8) \$150,000 of the solid waste management account appropriation is provided solely for pilot projects to recycle disposable diapers.

~~((10))~~ (9) \$1,300,000 of the solid waste management account appropriation is provided solely to implement sections 6(2), 9, 13, 54, 96, 99, 102, and 104 of chapter 431, Laws of 1989 (Engrossed Substitute House Bill No. 1671).

((+1)) (10) \$231,000 of the state toxics control account appropriation is provided solely for the office of waste reduction.

((+2)) (11) \$200,000 of the general fund—state appropriation is provided solely for the purpose of implementing the Nisqually river management plan activities and projects outlined in the Nisqually river council report to the legislature dated December 1988. No more than half of this amount may be spent until twenty percent of the total project costs have been provided as matching funds from private or other government participants represented on the Nisqually river council.

((+3)) (12) \$2,654,000 of the state toxics control account appropriation is contingent on enactment of Engrossed House Bill No. 2168. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

((+4)) (13) \$389,000 of the emergency water project revolving account appropriation is provided solely for drought relief activities. If Substitute Senate Bill No. 5196 is enacted by June 30, 1989, \$321,000 of the amount provided in this subsection may be spent only if a drought order is issued pursuant to section 2, chapter 171, Laws of 1989 (Substitute Senate Bill No. 5196).

((+5)) (14) \$427,000 of the state and local improvement revolving account—water supply facilities (Referendum 38) appropriation is provided solely for the implementation of Substitute House Bill No. 1397. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

((+6)) (15) \$250,000 of the general fund—state appropriation is provided solely for oil and chemical spill activities in implementing legislative requirements regarding damage assessments and vessel financial responsibility.

((+7)) (16) \$70,000 of the general fund—state appropriation is provided solely to implement Substitute Senate Bill No. 5174 (state hydropower plan). If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

((+8)) (17) \$200,000 of the general fund—state appropriation is provided solely for the implementation of chapter 47, Laws of 1988.

(18) A maximum of \$750,000 of the state toxics control account appropriation may be expended for the cleanup of illegal drug laboratories.

(19) \$9,000,000 of the state toxics control account appropriation is provided solely for the following three purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the costs of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

Of this amount, \$1,500,000 is provided solely for the cleanup of hazardous waste sites resulting from leaking underground storage tanks.

(20) The entire hazardous waste assistance account appropriation is contingent on the enactment of Engrossed Substitute House Bill No. 2390. If the bill is not enacted by June 30, 1990, the hazardous waste assistance account appropriation is null and void.

(21) A portion of the state toxics control account appropriation is provided to complete the state hazardous waste planning effort as prescribed in chapter 70.105 RCW. This includes, but is not limited to, evaluation of existing standards, compliance and service, and evaluation of whether facilities are needed.

(22) \$300,000 of the general fund—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2932 (water resource management). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(23) \$1,500,000 of the general fund—state appropriation is provided solely to implement the provisions of Engrossed Substitute House Bill No. 2929 (growth management). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(24) \$268,000 of the state toxics control account appropriation is provided solely to identify and study water quality and public health concerns of the lower Columbia river, from its mouth to Bonneville Dam. Expenditure of this amount is contingent on the signing of an agreement by the Washington department of ecology and the Oregon department of environmental quality. The agreement shall include, at a minimum, the following:

(a) A steering committee consisting of one representative from each state of at least the following: Local government, public ports, industry, environmental groups, Indian tribes, citizen-at-large, and commercial or recreational fishing interests. The steering committee shall also include one representative from the United States environmental protection agency;

(b) A process to incorporate public participation;

(c) A provision to report to the appropriate legislative standing committees on the status of the study on or before December 15 of each year; and

(d) A provision to make recommendations, by December 15, 1990, regarding the creation of an interstate policy body to develop and implement a plan to address water quality, public health and habitat concerns of the lower Columbia river.

(25) \$250,000 of the wood stove education account appropriation is provided solely for the purpose of implementing Substitute Senate Bill No. 6698 (wood stove fee). Beginning July 1, 1990, and each calendar quarter thereafter for the biennium ending June 30, 1991, a portion of the amount provided in this subsection shall be distributed to the activated air pollution authorities created under RCW 70.94.053. The distribution shall be based on a fraction. The numerator of the fraction shall be the population residing within each authority's jurisdiction. The denominator of the fraction shall be total state population. Population figures used to calculate this fraction shall be as determined by the office of financial management. Sixty-six percent of the fees collected under RCW 70.94.483 shall be multiplied by the fraction to determine the quarterly distribution to each activated air authority. In cases where an activated air authority does not exist, the department shall retain the amount which otherwise would be distributed to an authority. Moneys distributed to authorities and retained by the department may only be used for education and enforcement of the wood stove education program established under RCW 70.94.480. If Substitute Senate Bill No. 6698 is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 303. Section 306, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

| | | |
|---|----|---|
| General Fund Appropriation—State | \$ | ((41,132,000)) 41,333,000 |
| General Fund Appropriation—Federal | \$ | 1,208,000 |
| General Fund Appropriation—Private/Local | \$ | 822,000 |
| Trust Land Purchase Account Appropriation | \$ | ((10,542,000)) 11,076,000 |
| Winter Recreation Parking Account Appropriation | \$ | 348,000 |
| ORV (Off-Road Vehicle) Account Appropriation | \$ | 173,000 |
| Snowmobile Account Appropriation | \$ | ((963,000)) 1,143,000 |
| Public Safety and Education Account Appropriation | \$ | 10,000 |
| Motor Vehicle Fund Appropriation | \$ | 1,100,000 |
| Total Appropriation | \$ | ((56,298,000)) 57,213,000 |

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

(1) \$60,000 of the general fund—state appropriation is provided solely for a contract with the marine science center at Fort Worden state park.

(2) \$1,100,000 of the general fund—state appropriation is provided solely to implement Second Substitute Senate Bill No. 5372 (recreational boating). ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(3) \$201,000 of the general fund—state appropriation is provided solely to meet the responsibilities of the state parks and recreation commission under the Squamish Indian tribe and Point-No-Point treaty council shellfish management agreements.

(4) The commission shall prepare an updated plan for Fort Worden management and development. In updating the plan the commission shall: (a) Reevaluate the goals and objectives of the park, (b) examine current functions of the park including camping, day use, recreation activities, vacation housing, the conference center, and cultural arts programs, (c) determine how to provide reasonable opportunities for use of existing park facilities for all members of the public, and (d) propose alternatives to the current management approach. The commission shall submit the results to the house of representatives appropriations committee and the senate ways and means committee by October 1, 1990.

Sec. 304. Section 308, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

| | | |
|----------------------------------|----|-----------------------------------|
| General Fund Appropriation | \$ | ((901,000)) 939,000 |
|----------------------------------|----|-----------------------------------|

Sec. 305. Section 309, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

| | | |
|--|----|---|
| General Fund Appropriation | \$ | ((30,068,000)) 31,143,000 |
| Motor Vehicle Fund Appropriation | \$ | 553,000 |
| Solid Waste Management Account Appropriation | \$ | 312,000 |
| Total Appropriation | \$ | ((30,933,000)) 32,008,000 |

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

(1) \$450,000 of the general fund appropriation is provided solely for the purpose of implementing either Engrossed Second Substitute Senate Bill No. 5339 or Engrossed Substitute House Bill No. 1553. ~~((If neither bill is enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~ In addition:

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

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

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

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

(2) \$350,000 of the general fund appropriation is provided solely for the Washington marketplace program as provided for in Second Substitute House Bill No. 1476. ~~(If the bill is not enacted by June 30, 1989, the amount in this subsection shall lapse.)~~

(3) \$550,000 of the general fund appropriation is provided solely for the department to develop and implement a business and job retention program as follows:

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

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

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

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

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

(4) \$150,000 of the general fund appropriation is provided solely for the targeted sectors program as provided for in Engrossed Substitute House Bill No. 2137. ~~(If the bill is not enacted by June 30, 1989, the amount in this subsection shall lapse.)~~

(5) \$200,000 of the general fund appropriation is provided solely for the Washington village project. No portion of this amount may be expended unless matched by an equal portion of nonstate money.

(6) \$700,000 of the general fund appropriation is provided solely for tourism enhancement. Of this amount: (a) \$400,000 is provided solely for market research and analysis; (b) \$175,000 is provided solely for tourism facility development to encourage private sector development in Washington tourism facilities; (c) \$25,000 is provided solely for the development of a tourism advisory committee; and (d) \$100,000 is provided solely for additional staff and costs associated with the film and video division within the department.

(7) \$1,614,000 of the general fund appropriation is provided solely for the Tri-Cities diversification program. This amount is intended to be the final state contribution toward Tri-Cities diversification. Of this amount:

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

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

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

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

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

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

(8) \$367,000 of the general fund appropriation is provided solely for the purpose of implementing a timber industrial extension service. The department shall provide technical and financial assistance to businesses for the purpose of identifying new markets, developing new technologies and products, and assisting production and marketing efforts. This program shall provide specialized expertise on issues affecting forest products companies, including the provision of assistance to firms experiencing supply problems, and shall provide industry perspective on proposed state and federal policies and programs impacting the forest industry. The department may contract for services provided under this chapter.

(9) \$8,195,000 of the general fund appropriation is provided solely for the Washington high technology center.

(10) \$305,000 of the general fund appropriation is provided solely for the center for international trade in forest products (CINTRAFOR).

(11) The general fund appropriation in this section includes moneys for higher education salary increases for the Washington high technology center and CINTRAFOR in the manner provided in section 601 of this act.

(12) It is the intent of the legislature that the department shall continue to provide grants of at least current level amounts to associate development organizations located in counties of at least classes three through eight.

(13) \$400,000 may be allocated to the Washington research foundation. The state auditor shall conduct an audit of the foundation by December 1, 1989.

(14) \$400,000 is provided solely for development of a program designed to promote market opportunities, particularly value-added timber processing, for wood products firms in timber-dependent communities. The department shall submit a progress report to the house of representatives appropriations committee and the senate ways and means committee no later than December 1, 1990.

(15) \$75,000 is provided solely for a contract with the Tacoma World Trade Center for the development and operation of a program to enhance export opportunities for Washington business.

(16) \$450,000 from the general fund—state appropriation is provided solely to implement the provisions of Engrossed Substitute House Bill No. 2929. Of this amount: (a) \$150,000 is provided solely to enhance the existing marketplace program by focusing on rural economies; (b) \$150,000 is provided solely to establish a local economic development service program to coordinate the delivery of economic development services to local communities; (c) \$50,000 is provided solely to fund the operations of a service delivery task force; and (d) \$100,000 is provided solely for the business assistance center to administer a grant program focused on value-added manufacturing. If Engrossed Substitute House Bill No. 2929 is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(17) \$150,000 of the general fund—state appropriation is provided solely for the department to provide technical assistance and staff support for the Lady Washington Pacific Expedition to the Far East.

Sec. 306, Section 313, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

| | | |
|---|----|---------------------------|
| General Fund Appropriation—State | \$ | ((54,022,000)) |
| | | 54,850,000 |
| General Fund Appropriation—Federal | \$ | ((16,496,000)) |
| | | 16,700,000 |
| General Fund Appropriation—Private/Local | \$ | ((5,284,000)) |
| | | 7,727,000 |
| Aquatic Lands Enhancement Account Appropriation | \$ | 1,076,000 |
| Total Appropriation | \$ | ((76,878,000)) |
| | | 80,354,000 |

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

(1) \$320,000 of the general fund—state appropriation is provided so that patrol officers, in the course of duty, emphasize vessel registration.

(2) \$100,000 of the general fund—state appropriation is provided solely for monitoring of Navy homeport dredging and dumping.

(3) \$250,000 of the general fund—state appropriation is provided solely for a grant for shellfish studies to the sea grant program at the University of Washington.

~~((5))~~ (4) \$1,810,000 of the general fund—state appropriation is provided solely for recreational salmon enhancement projects.

~~((6))~~ (5) \$41,000 of the general fund—state appropriation is provided to implement Substitute Senate Bill No. 5174 (state hydropower plan).

(6) \$480,000 of the general fund—state appropriation is provided solely to cover attorney general costs for the department of fisheries, department of natural resources, department of health, and the parks and recreation commission, in defending the state in tribal shellfish litigation.

(7) \$90,000 of the general fund—state appropriation is provided solely to meet the department's responsibilities under the Suguamish Indian tribe, Point-No-Point treaty council, and Indian Island Navy shellfish management agreements.

(8) \$211,000 of the general fund—state appropriation is provided solely to fund an investigation of the nuclear inclusion X ("NIX") virus as it relates to the state's razor clam population.

Sec. 307. Section 314, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

| | | |
|---|----|---|
| General Fund Appropriation | \$ | ((9,385,000)) 9,390,000 |
| ORV (Off-Road Vehicle) Account Appropriation | \$ | 265,000 |
| Aquatic Lands Enhancement Account Appropriation | \$ | 1,081,000 |
| Public Safety and Education Account Appropriation | \$ | 566,000 |
| Wildlife Fund Appropriation—State | \$ | ((41,441,000)) 42,084,000 |
| Wildlife Fund Appropriation—Federal | \$ | ((15,717,000)) 15,608,000 |
| Wildlife Fund Appropriation—Private/Local | \$ | 2,135,000 |
| Game Special Wildlife Account Appropriation | \$ | ((466,000)) 503,000 |
| Total Appropriation | \$ | ((71,056,000)) 71,632,000 |

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

(1) \$45,000 of the general fund appropriation is provided solely to implement Substitute Senate Bill No. 5174 (state hydropower plan). ~~((if the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(2) \$68,000 of the general fund appropriation is provided solely ~~((for contracting))~~ for fire protection on agency lands.

(3) \$100,000 of the wildlife fund appropriation—state is provided solely for a study of the impact of elk in the Blue Mountains.

(4) \$186,000 of the wildlife fund—state appropriation is provided solely for an elk control plan in the Blue Mountains.

(5) \$250,000 of the wildlife fund—state appropriation is provided solely for an inventory of critical wildlife habitat.

(6) \$5,000 of the general fund appropriation is provided solely to implement Substitute Senate Bill No. 5533 (removal or destruction of marine mammals reducing salmon or steelhead populations). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 308. Section 315, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

| | | |
|--|----|---|
| General Fund Appropriation—State | \$ | ((44,540,000)) 47,909,500 |
| General Fund Appropriation—Federal | \$ | 639,000 |
| General Fund Appropriation—Private/Local | \$ | 12,000 |
| ORV (Off-Road Vehicle) Account Appropriation—Federal | \$ | 3,266,000 |
| Geothermal Account Appropriation—Federal | \$ | 16,000 |
| Forest Development Account Appropriation | \$ | ((23,074,000)) 23,311,000 |
| Survey and Maps Account Appropriation | \$ | ((860,000)) 1,090,000 |

| | | |
|---|----|----------------------------|
| Natural Resources Conservation Area Stewardship Account Appropriation | \$ | 364,000 |
| Aquatic Lands Enhancement Account Appropriation | \$ | 635,000 |
| Landowner Contingency Forest Fire Suppression Account Appropriation | \$ | 2,119,000 |
| Resource Management Cost Account Appropriation | \$ | ((68,432,000)) |
| | | 69,320,000 |
| Aquatic Land Dredged Material Disposal Site Account Appropriation | \$ | ((286,000)) |
| | | 536,000 |
| State Toxics Control Account Appropriation | \$ | 399,000 |
| Total Appropriation | \$ | ((144,243,000)) |
| | | 149,616,500 |

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

(1) \$4,654,000 of the general fund—state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$2,297,000, of which \$372,000 is from the general fund—state appropriation, \$1,448,000 is from the resource management cost account appropriation, and \$477,000 is from the forest development account appropriation, is provided solely for information systems projects named in this subsection for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with the requirements set forth in section 802 of this act. For the purposes of this section, information systems projects shall mean the projects known by the following name or successor names: Department of natural resources revenue system.

(3) \$110,000 from the general fund—state appropriation is provided solely for a fire investigator.

(4) \$1,500,000 of the general fund—state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(5) \$400,000 of the aquatic lands enhancement account appropriation is provided solely for conducting an inventory of state wetlands.

(6) \$122,000 of the natural resources conservation area stewardship account appropriation is provided solely for operations and maintenance costs associated with natural area preserves.

(7) \$242,000 of the natural resources conservation area stewardship account appropriation is provided solely for operations and maintenance costs associated with natural resources conservation areas.

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

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

(10) \$125,000 of the general fund—state appropriation is provided solely to implement Engrossed Senate Bill No. 5364 or Engrossed House Bill No. 1249 (marine debris).

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

(12) The department of natural resources in cooperation with the United States forest service, other federal agencies, private timber land owners, and the University of Washington, shall conduct a timber and timberland inventory to provide the information needed to prepare an assessment of the timber supply in Washington state. The inventory shall be prepared in such a way that it may be updated periodically. The inventory shall include all state, private, county, and federal forest lands, including forest lands withdrawn from harvest such as parks, watersheds, and similar lands reserved for nontimber producing activities. The intensity of sampling and methods used to inventory lands withdrawn from harvest need not result in as

high a degree of accuracy as is achieved for other lands. \$1,000,000, of which \$750,000 is from the general fund—state appropriation, \$75,000 is from the forest development account appropriation, and \$175,000 is from the resource management cost account appropriation, is provided solely for the purposes of this subsection.

(13) \$163,000 of the general fund—state appropriation is provided solely for the department to contract with the University of Washington college of forest resources for a timber supply study. The study shall identify the quantity of timber present now and quantity of timber that may be available from forest lands in the future, use various assumptions of landowner management, and include changes in the forest land base, amount of capital invested in timber management, and expected harvest age. No portion of this appropriation may be expended for indirect costs associated with the study.

(14) \$905,000, of which \$625,000 is from the general fund—state appropriation, \$118,000 is from the forest development account appropriation, and \$162,000 is from the resource management cost account appropriation, is provided solely for costs related to the Grouse Ridge correctional camp.

(15) \$200,000 of the general fund—state appropriation is provided solely to implement the provisions of Engrossed Substitute House Bill No. 2929 (growth management). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(16) \$6,500 of the general fund—state appropriation is provided solely as additional funds for the state share of rentals for amateur radio operator sites.

(17) \$1,500,000 of the general fund—state appropriation is provided solely to reimburse counties, other taxing districts, and the department of natural resources for revenues lost as a result of county decisions to implement provisions of RCW 76.12.190. Any county with forest board lands or owning its own timber land which reserves timber for sale to an enterprise meeting the eligibility standards set forth in RCW 76.12.190(2)(a) (i), (ii), and (iii) shall be eligible to receive reimbursement under this subsection. Participating counties and the department of natural resources shall be reimbursed from the amount provided in this subsection as follows: The department of revenue shall determine the compensation basis by comparing the actual bid price of timber sold under RCW 76.12.190(1) to the valuation of the timber as determined by the department under RCW 84.33.091. The difference shall be the compensation to be divided between the county, the department of natural resources, and the other taxing districts in the following manner: Twenty-five percent to the department of natural resources to be deposited in the forest development account, and the balance distributed between the counties and the other taxing districts in the same proportion as general taxes are paid and distributed in the year of payment.

The department of natural resources shall distribute these moneys to participating counties and the forest development account as the enterprise removes the timber. Each county shall distribute moneys owed to the other taxing districts in its jurisdiction.

In the event the amount provided in this subsection is not sufficient to fully compensate all revenue losses to the department of natural resources, all participating counties, and other taxing districts, it shall be used to compensate for sales in order of the date of sale. The reserving of timber by counties does not constitute a contractual relationship between the department of natural resources and the county or the other taxing districts.

Sec. 309. Section 316, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES—COMMON SCHOOL CONSTRUCTION

The following amounts are appropriated for the acquisition in fee of common school trust lands and timber throughout the state as determined by the board of natural resources:

| | | |
|---|----|--------------|
| General Fund Appropriation for fiscal year 1990 | \$ | 35,750,000 |
| General Fund Appropriation for the period April 15, 1990, through | | |
| June 30, 1991 | \$ | (35,750,000) |
| | | 77,750,000 |
| Total Appropriation | \$ | (71,500,000) |
| | | 113,500,000 |

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

((2) The lands and timber purchased under this section shall be managed under either chapter 79.70 or 79.71 RCW, as determined by the board of natural resources:

(3) The land and timber shall be appraised and purchased at full market value.

(4) The proceeds of the sales of timber shall be deposited by the department in the same manner as timber revenues from other common school trust lands except that no deductions shall be made for the resource management cost account under RCW 79.64.040.

(5) The proceeds of the sales of land shall be used by the department to acquire replacement timber land of equal value to be managed as common school trust land and to maintain a sustainable yield:))

(1) The lands and timber acquired under this section shall be managed under either chapter 79.70 or 79.71 RCW, as determined by the board of natural resources;

(2) The land and timber shall be separately appraised and shall be acquired at full market value;

(3) The trust land to be acquired shall be replaced, by transfer, with real property of equal value purchased with this appropriation. The replacement timber land shall be managed as common school trust land to maintain a sustainable yield;

(4) The department shall attempt to maintain an aggregate ratio of 92:8 timber value to land value in these transactions;

(5) Intergrant transfers, between common school and noncommon school trust lands of equal value, may occur, if the noncommon school trust land meets the criteria established by the department for selection of sites and if the exchange is in the interest of both trusts;

(6) The proceeds of the sale of timber shall be deposited by the department in the same manner as timber revenues from other common school trust lands except that no deductions shall be made for the resource management cost account under RCW 79.64.040; and

(7) Lands purchased under the authority of this section may, by mutual agreement of the board of natural resources and the parks and recreation commission, be transferred for management under chapter 43.51 RCW as state parks.

Sec. 310. Section 317, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

| | | |
|--|----|---------------------------|
| General Fund Appropriation—State | \$ | ((18,780,000)) |
| | | 18,957,000 |
| General Fund Appropriation—Federal | \$ | 795,000 |
| State Toxics Control Account Appropriation | \$ | ((299,000)) |
| | | 699,000 |
| Total Appropriation | \$ | ((19,874,000)) |
| | | 20,451,000 |

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

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

(2) \$1,624,000 of the general fund—state appropriation is provided solely for the implementation of House Bill No. 2222 regarding the regulation of agricultural chemicals. ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~ \$1,224,000 of the amount provided in this subsection shall be supported by increased fees deposited into the general fund in accordance with chapter 15.58 RCW.

(3) \$66,000 of the general fund—state appropriation is provided solely to implement Second Substitute House Bill No. 2270. If the bill is not enacted by June 30, 1990, this amount shall lapse.

(4) \$24,000 of the general fund—state appropriation is provided solely for the department's brucellosis screening program.

Sec. 311. Section 318, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE CONVENTION AND TRADE CENTER

| | | |
|---|----|---------------------------|
| State Convention/Trade Center Account Appropriation | \$ | ((22,119,000)) |
| | | 22,169,000 |

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

(1) \$3,453,000 is provided solely for marketing the facilities and services of the convention center, for promoting the locale as a convention and visitor destination, and for related activities. Of this amount, the center shall not expend more than is projected to be received from revenue generated by the special excise tax that is deposited in the state convention and trade center operations account under RCW 67.40.090(3). Projections of such revenue shall be as determined and updated by the department of revenue.

(2) \$50,000 is provided solely for construction of a temple bell display case.

Sec. 312. Section 19, chapter 383, Laws of 1989 (uncodified) is amended to read as follows:

The sum of ~~((four hundred))~~ nine hundred thirty-six thousand dollars, or as much thereof as may be necessary, is appropriated from the pollution liability reinsurance program trust account to the Washington pollution liability reinsurance program for the biennium ending June 30, 1991 ~~((to carry out the purposes of this act)).~~ If legislation authorizing implementation of the program is not enacted by June 30, 1990, the entire appropriation, or as much as remains, shall lapse.

PART IV
TRANSPORTATION

Sec. 401. Section 401, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PATROL

| | | |
|--|----|---------------------------|
| General Fund Appropriation—State | \$ | ((25,718,000)) |
| | | 25,794,000 |
| General Fund Appropriation—Federal | \$ | 161,000 |
| General Fund Appropriation—Private/Local | \$ | 164,000 |
| Death Investigations Account Appropriation | \$ | 24,000 |

| | | |
|---------------------------|----|---|
| Total Appropriation | \$ | ((26,667,000)) 26,143,000 |
|---------------------------|----|---|

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

Sec. 402. Section 402, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

| | | |
|---|----|---|
| General Fund Appropriation | \$ | ((19,349,000)) 19,793,000 |
| Architects' License Account Appropriation | \$ | ((623,000)) 809,000 |
| Cemetery Account Appropriation | \$ | 157,000 |
| Health Professions Account Appropriation | \$ | ((15,059,000)) 15,122,000 |
| Medical Disciplinary Account Appropriation | \$ | 1,586,000 |
| Professional Engineers' Account Appropriation | \$ | ((1,527,000)) 1,852,000 |
| Real Estate Commission Account Appropriation | \$ | ((5,603,000)) 6,298,000 |
| Total Appropriation | \$ | ((43,904,000)) 45,617,000 |

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

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

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

| | | |
|---------------------------|----|--------|
| House Bill No. 1896 | \$ | 9,000 |
| House Bill No. 2126 | \$ | 42,000 |

(3) Of the general fund—state appropriation, the following amounts are provided solely for the purposes of the following bills. The general fund shall be reimbursed by June 30, 1991, through an assessment of fees sufficient to cover all costs associated with enacting the purposes of the following legislation. If any of the following bills is not enacted by June 30, 1989, a corresponding amount, shown below, from the general fund—state appropriation in this section shall lapse:

| | | |
|---------------------------------------|----|---------|
| House Bill No. 1096 | \$ | 130,000 |
| Engrossed House Bill No. 1917 | \$ | 450,000 |
| Substitute Senate Bill No. 5085 | \$ | 153,000 |

(4) The department shall reimburse the general fund for all costs associated with implementing Engrossed Second Substitute House Bill No. 2624 through assessment of fees. If the bill is not enacted by June 30, 1990, \$34,000 of the general fund—state appropriation shall lapse.

(5) \$253,000 of the general fund appropriation is provided solely for relocation expenses incurred as a result of the formation of the department of health.

NEW SECTION. Sec. 403. A new section is added to chapter 19, Laws of 1989 1st ex. sess. to read as follows:

\$2,060,000, or as much thereof as may be necessary, is appropriated from the general fund to the department of licensing for the purpose of the master license system. The general fund shall be reimbursed by at least the amount of the appropriation in this section by June 30, 1991, through the collection of handling fees on original master license applications under chapter 19.02 RCW, and annual corporate report filing fees under chapter 23B.16 RCW. If neither Substitute Senate Bill No. 6664 nor other legislation authorizing the collection of these fees is enacted by June 30, 1990, then this appropriation shall lapse.

PART V
EDUCATION

Sec. 501. Section 501, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION

| | | |
|---|----|---|
| General Fund Appropriation—State | \$ | ((19,774,000)) 19,799,000 |
| General Fund Appropriation—Federal | \$ | 9,074,000 |
| Public Safety and Education Account Appropriation | \$ | 409,000 |
| Total Appropriation | \$ | ((29,257,000)) 29,282,000 |

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

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

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

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

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

(5) \$200,000 of the general fund—state appropriation is provided solely for purchase and dissemination to school districts of innovative or multicultural curriculum materials, and for training to implement innovative curricula such as a schools and architecture program. The superintendent of public instruction shall select materials based on unusual potential for stimulating new instructional methods, student interest and understanding of academic subjects, or cultural and ethnic awareness.

(6) ~~\$(25,000)~~ 50,000 of the general fund—state appropriation is provided solely for continued development of educational outcomes measures and field testing in local school districts, including: Development of a model writing assessment program at three grade levels; definitions of measurements for academic skills and mastery of key curriculum concepts; a follow-up survey of high school graduates; uniform reporting forms for data collection and display; and an instrument for identifying successful schools. In performing these activities, the superintendent shall consult with an advisory committee on outcomes-based education, comprising one representative of each of the selected field test projects, one representative of each twenty-first century schools project that has selected the outcomes measures as its evaluative tool, and two members who participated in the temporary committee on the assessment and accountability of educational outcomes.

(7) The superintendent of public instruction shall allocate administrative resources as needed for investigating suspected violations of the state board of education's professional conduct code for educators.

Sec. 502. Section 502, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation \$ ~~((4,323,885,000))~~
4,355,347,000

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

(1) ~~\$(4,400,000)~~ 419,407,000 of the general fund appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) Allocations for certificated staff salaries for the 1989-90 and 1990-91 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Small school enrollments in kindergarten through grade six shall generate funding under (a) of this subsection, and shall not generate allocations under (d) and (e) of this subsection, if the staffing allocations generated under (a) of this subsection exceed those generated under (d) and (e) of this subsection. The certificated staffing allocations shall be as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students excluding full time equivalent handicapped enrollment as recognized for funding purposes under section 510 of this act;

(ii) Fifty-one certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, excluding full time equivalent handicapped students ages six through eight; and

(iii) Forty-six certificated instructional staff units for each one thousand full time equivalent students in grades four through twelve, excluding full time equivalent handicapped students ages nine and above;

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

(c) On the basis of full time equivalent enrollment in vocational education programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 17.5 full time equivalent vocational students, except that for skills center programs the allocation ratios shall be 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;

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

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

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

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

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

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for enrollment in grades nine through twelve in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades nine through twelve but no more than twenty-five average annual full time equivalent kindergarten through twelfth grade students, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational and handicapped full time equivalent students.

For the 1990-91 school year, no district may receive allocations under (f) (i) or (ii) of this subsection unless the district offers a high school program for district residents eligible to enroll in grades nine through twelve.

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

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

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

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

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

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

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

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

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

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

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

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

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$290 per year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1987-88 school year.

(8) The superintendent may distribute a maximum of ~~\$(9,925,000)~~ 41,925,000 outside the basic education formula during fiscal years 1990 and 1991 as follows:

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

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

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

(d) A maximum of ~~\$(6,000,000)~~ 8,000,000 is provided solely for the purchase of new and replacement equipment for use primarily in approved vocational-secondary and skill center programs, including \$6,000,000 provided for allocation in the 1989-90 school year. These moneys shall be allocated to school districts ~~((during the 1989-90 school year))~~ on the basis of full time equivalent enrollment in vocational programs.

(e) \$25,250,000 is provided solely to employ additional elementary school classroom assistants and certificated instructional staff for the 1990-91 school year. These moneys shall be distributed in proportion to school districts' full time equivalent enrollment in kindergarten through grade five and shall be allocated according to the schedule established in RCW 28A.48.010. School districts shall use a minimum of seventy-five percent of moneys received under this subsection 8(e) to employ additional classified instructional assistants assigned to kindergarten through fifth grade basic education classrooms. Districts may use remaining moneys to employ either basic education classified instructional assistants or certificated instructional staff assigned to kindergarten through grade five. A district may not use moneys provided under this section for certificated instructional staff unless these staff are excluded when determining the district's actual K-3 staffing ratio under subsection (10) of this section and the district documents to the superintendent of public instruction that its actual K-3 ratio under subsection (10) of this section for the 1990-91 school year is at least fifty-one full time basic education certificated instructional staff per thousand full time equivalent students. Districts may not use allocations provided under this subsection to supplant other moneys previously used to employ classified instructional assistants or certificated instructional staff in kindergarten through grade five.

(9) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 6.07 percent from the 1988-89 school year to the 1989-90 school year, and ~~((5-74))~~ 6.56 percent from the 1989-90 school year to the 1990-91 school year.

(10) (a) The superintendent of public instruction shall revise personnel reporting systems to include information on grade level assignments of basic education certificated instructional staff, by grade level groupings of K-3, 4-6, and 7-12. The superintendent of public instruction shall collect such information from school districts beginning in the 1989-90 school year. School districts may submit supplemental information on changes in staffing levels after the initial personnel report for each school year. Staffing ratios calculated under this subsection may recognize additional staff reported, prorated by the number of months of employment during the academic year.

(b) For each school year, the funding provided under subsection (2)(a) of this section shall be based on a ratio of fifty-one certificated instructional staff per thousand students in kindergarten through grade three only if the district documents an actual ratio of at least fifty-one full time basic education certificated instructional staff per thousand full time equivalent students at those grade levels. For any school district documenting a lower ratio, the funding provided under this section shall be based on the district's actual K-3 ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.41.140(2)(c), if greater.

(c) School districts that had a ratio of fifty-one basic education certificated instructional staff per thousand students in kindergarten through grade three in the 1988-89 school year shall expend additional funding generated by the increase in staffing ratios provided in this section solely to improve staffing ratios in kindergarten through grade twelve.

Sec. 503. Section 503, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION INCREASES

General Fund Appropriation \$ ~~((196,128,000))~~
226,991,000

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

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

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

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

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

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

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

(d) "LEAP Document 1R" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed on ~~(May 7, 1989)~~ February 17, 1990, at ~~((11:00))~~ 16:00 hours.

(e) "LEAP Document 12" means the computerized tabulation of 1988-89 salary allocations for basic education certificated administrative staff and basic education classified staff and 1988-89 derived base salaries for basic education certificated instructional staff as developed on April 20, 1989, at 14:15 hours.

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

(3) ~~S((7,492,000))~~ 9,851,000 is provided solely to increase allocations for certificated administrative staff units provided under section 502 of this act, pursuant to this subsection. For the 1989-90 and 1990-91 school years, the allocation for each certificated administrative staff unit shall be increased by 2.5 percent of the 1988-89 state-wide average certificated administrative salary shown on LEAP Document 12, multiplied by incremental fringe benefits. For the 1990-91 school year, the allocation for two-thirds of the certificated administrative staff units shall be further increased by 2.5 percent of the 1988-89 state-wide average certificated administrative salary shown on LEAP Document 12, multiplied by incremental fringe benefits. School districts shall use the allocations generated by the 1990-91 increase under this subsection to provide salary increases for principals, vice-principals, and other school-based administrators.

(4) ~~S((27,963,000))~~ 30,401,000 is provided solely to increase allocations for classified staff units provided under section 502 of this act, pursuant to this subsection. For the 1989-90 and 1990-91 school years, the allocation for each classified staff unit shall be increased by 4.0 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits. For the 1990-91 school year, the allocation for each classified staff unit shall be further increased by an additional ~~((3-12))~~ 4.16 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits.

(5) ~~S((166,733,000))~~ 186,739,000 is provided solely to increase allocations for certificated instructional staff units provided under section 502 of this act, pursuant to this subsection:

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

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

(j) The district's 1989-90 average certificated instructional staff allocation salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff on the state-wide salary allocation schedule established in subsection (6) of this section, adjusted for incremental fringe benefits.

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

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

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

(ii) The district's 1990-91 average certificated instructional staff allocation salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff on the state-wide salary allocation schedule established in subsection (7) of this section, adjusted for incremental fringe benefits.

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

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

(ii) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section multiplied by the compounded increase provided in this subsection, adjusted for incremental fringe benefits. The compounded increase for each district shall be 7.12 percent, compounded by the percentage difference between the district's average staff mix factor for actual 1990-91 full time equivalent basic education certificated instructional employees computed using LEAP Document 1R and such factor for the same 1990-91 employees computed using LEAP Document 1.

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

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

| Years of Service | BA | BA+15 | BA+30 | BA+45 |
|------------------|--------|--------|--------|--------|
| 0 | 18,304 | 18,798 | 19,311 | 19,823 |
| 1 | 18,981 | 19,494 | 20,025 | 20,574 |
| 2 | 19,677 | 20,208 | 20,757 | 21,361 |
| 3 | 20,409 | 20,958 | 21,526 | 22,166 |
| 4 | 21,159 | 21,745 | 22,331 | 23,008 |
| 5 | 21,946 | 22,551 | 23,155 | 23,887 |
| 6 | 22,770 | 23,374 | 24,015 | 24,802 |
| 7 | 23,612 | 24,234 | 24,893 | 25,735 |
| 8 | 24,472 | 25,131 | 25,809 | 26,724 |
| 9 | | 26,065 | 26,779 | 27,731 |
| 10 | | | 27,767 | 28,792 |
| 11 | | | | 29,890 |
| 12 | | | | |
| 13 | | | | |
| 14 or more | | | | |

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

| Years of Service | BA+90 | BA+135 | MA | MA+45 | MA+90 or PHD |
|------------------|--------|--------|--------|--------|--------------|
| 0 | 21,471 | 22,532 | 21,471 | 22,770 | 23,887 |
| 1 | 22,276 | 23,356 | 22,276 | 23,612 | 24,765 |
| 2 | 23,100 | 24,216 | 23,100 | 24,491 | 25,681 |
| 3 | 23,942 | 25,113 | 23,942 | 25,388 | 26,632 |
| 4 | 24,839 | 26,047 | 24,839 | 26,321 | 27,621 |
| 5 | 25,754 | 27,017 | 25,754 | 27,310 | 28,627 |
| 6 | 26,706 | 28,005 | 26,706 | 28,316 | 29,689 |
| 7 | 27,694 | 29,048 | 27,694 | 29,360 | 30,787 |
| 8 | 28,719 | 30,128 | 28,719 | 30,440 | 31,940 |

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

| Years of Service | BA+90 | BA+135 | MA | MA+45 | MA+90 or PHD |
|------------------------|--------|--------|--------|--------|-----------------|
| 9 | 29,781 | 31,245 | 29,781 | 31,574 | 33,112 |
| 10 | 30,879 | 32,398 | 30,879 | 32,746 | 34,338 |
| 11 | 32,032 | 33,588 | 32,032 | 33,954 | 35,601 |
| 12 | 33,222 | 34,833 | 33,222 | 35,217 | 36,919 |
| 13 | 34,448 | 36,114 | 34,448 | 36,516 | 38,292 |
| 14 or more | | 37,450 | 35,711 | 37,871 | 39,701 |

(b) As used in this subsection, "+(N)" means the number of credits earned since receiving the highest degree.

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

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

| Years of Service | BA | BA+15 | BA+30 | BA+45 |
|------------------------|--------|--------|--------|---------------|
| 0 | 20,001 | 20,541 | 21,101 | 21,661 |
| 1 | 20,656 | 21,214 | 21,792 | 22,389 |
| 2 | 21,325 | 21,900 | 22,495 | 23,150 |
| 3 | 22,027 | 22,620 | 23,232 | 23,923 |
| 4 | 22,742 | 23,372 | 24,001 | 24,729 |
| 5 | 23,490 | 24,136 | 24,783 | 25,566 |
| 6 | 24,269 | 24,913 | 25,596 | 26,435 |
| 7 | 25,061 | 25,721 | 26,421 | 27,314 |
| 8 | 25,864 | 26,561 | 27,277 | 28,244 |
| 9 | | 27,431 | 28,182 | 29,184 |
| 10 | | | 29,098 | 30,172 |
| 11 | | | | 31,189 |
| 12-17 (+3) | | | | <u>32,125</u> |
| 14 or more)) | | | | |
| <u>18 or more</u> | | | | <u>33,088</u> |

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

| Years of Service | BA+90 | BA+135 | MA | MA+45 | MA+90 or PHD |
|------------------------|---------------|--------|--------|--------|-----------------|
| 0 | 23,461 | 24,621 | 23,980 | 25,780 | 26,940 |
| 1 | 24,242 | 25,417 | 24,708 | 26,561 | 27,736 |
| 2 | 25,034 | 26,245 | 25,469 | 27,353 | 28,563 |
| 3 | 25,840 | 27,104 | 26,242 | 28,159 | 29,423 |
| 4 | 26,696 | 27,995 | 27,048 | 29,015 | 30,314 |
| 5 | 27,565 | 28,916 | 27,885 | 29,884 | 31,235 |
| 6 | 28,464 | 29,849 | 28,754 | 30,783 | 32,168 |
| 7 | 29,393 | 30,831 | 29,633 | 31,712 | 33,150 |
| 8 | 30,352 | 31,842 | 30,563 | 32,671 | 34,161 |
| 9 | 31,341 | 32,882 | 31,502 | 33,660 | 35,201 |
| 10 | 32,358 | 33,950 | 32,491 | 34,677 | 36,269 |
| 11 | 33,423 | 35,047 | 33,508 | 35,742 | 37,366 |
| 12 | 34,516 | 36,189 | 34,566 | 36,835 | 38,508 |
| 13 | 35,636 | 37,359 | 35,659 | 37,955 | 39,678 |
| 14-17 | <u>36,705</u> | 38,573 | 36,786 | 39,154 | 40,892 |
| ((or more)) | | | | | |
| <u>18-21</u> | 37,806 | 39,730 | 37,890 | 40,329 | 42,119 |
| <u>22 or more</u> | | 40,922 | 39,026 | 41,538 | 43,382 |

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.
- (8) For the purposes of this section:
 - (a) "BA" means a baccalaureate degree.
 - (b) "MA" means a masters degree.
 - (c) "PHD" means a doctorate degree.
 - (d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1988-89 school year.
 - (e) "Credits" means college quarter hour credits and equivalent inservice credits computed in accordance with RCW 28A.71.110.

(9) The salary allocation schedules established in subsections (6) and (7) of this section are for allocation purposes only. However, it is the legislature's intent to respond to salary needs of many senior teachers who have not been receiving salary increments on either state or local salary schedules. The legislature and the public recognize the need to provide salary growth for these senior teachers, to encourage them to remain teaching. School districts should target moneys generated by the additional seniority steps provided for state salary funding in the 1990-91 school year to senior teachers.

Sec. 504. Section 504, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—CATEGORICAL PROGRAM SALARY INCREASES

General Fund Appropriation \$ ~~(38,730,000)~~
46,190,000

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

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

(2) A maximum of ~~\$(13,400,000)~~ 15,204,000 is provided to implement salary increases for each school year for state-supported school employees in the following categorical programs: Transitional bilingual instruction, learning assistance, education of highly capable students, vocational technical institutes, and pupil transportation. Moneys provided by this subsection include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified:

(a) Transitional bilingual instruction: The rates specified in section 520 of this act shall be increased by \$16.04 per pupil for the 1989-90 school year and by ~~\$(40-13)~~ 50.24 per pupil for the 1990-91 school year.

(b) Learning assistance: The rates specified in section 521 of this act shall be increased by \$12.91 per pupil for the 1989-90 school year and by ~~\$(22-99)~~ 26.34 per pupil for the 1990-91 school year.

(c) Education of highly capable students: The rates specified in section 516 of this act shall be increased by \$9.50 per pupil for the 1989-90 school year and by ~~\$(23-78)~~ 29.76 per pupil for the 1990-91 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 508 of this act shall be increased by \$86.33 per full time equivalent student for the 1989-90 school year, and by ~~\$(205-01)~~ 248.68 per full time equivalent student for the 1990-91 school year.

(e) Pupil transportation: The rates provided under section 507 of this act shall be increased by \$0.66 per weighted pupil-mile for the 1989-90 school year, and by ~~\$(1-10)~~ 1.35 per weighted pupil-mile for the 1990-91 school year.

(3) A maximum of ~~\$(25,330,000)~~ 30,986,000 is provided for salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program, section 510, and for state-supported staff in institutional education programs, section 515, and in educational service districts, section 512. The superintendent of public instruction shall distribute salary increases for these programs not to exceed the percentage salary increases provided for basic education staff under section 503 of this act.

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

Sec. 505. Section 505, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE INSURANCE BENEFIT INCREASES

General Fund Appropriation \$ ~~(21,111,000)~~
25,467,000

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

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

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff ~~((in the 1989-90 and 1990-91 school years, effective October 1, 1989.))~~ to a rate of \$239.86 per month, effective October 1, 1989, and to a rate of \$246.74 per month, effective October 1, 1990, as distributed pursuant to this section.

(3) A maximum of ~~\$(16,939,000))~~ 20,275,000 may be expended to increase general fund allocations for insurance benefits for basic education staff units under section 502(5) of this act by \$15.11 per month beginning with October 1989, and by an additional \$6.88 per month beginning with October 1990.

(4) A maximum of ~~\$(2,226,000))~~ 2,813,000 may be expended to increase insurance benefit allocations for handicapped program staff units as calculated under section 510 of this act by \$15.11 per month beginning with October 1989, and by an additional \$6.88 per month beginning with October 1990.

(5) A maximum of ~~\$(108,000))~~ 129,000 may be expended to increase insurance benefit allocations for state-funded staff in educational service districts and institutional education programs by \$15.11 per month beginning with October 1989, and by an additional \$6.88 per month beginning with October 1990.

(6) A maximum of ~~\$(1,838,000))~~ 2,250,000 may be expended to fund insurance benefit increases in the following categorical programs by increasing annual state funding rates by the amounts specified in this subsection. For the 1989-90 school year, due to the October implementation, school districts shall receive eleven-twelfths of the annual rate increases specified effective October 1989. For the 1990-91 school year, school districts shall receive eleven-twelfths of the additional annual increase specified effective October 1990. On an annual basis, the maximum rate adjustments provided under this section are:

(a) For pupil transportation, an increase of \$0.14 per weighted pupil-mile effective October 1, 1989, and an additional increase of \$0.06 per weighted pupil-mile effective October 1, 1990;

(b) For learning assistance, an increase of \$3.78 per pupil effective October 1, 1989, and an additional increase of \$1.72 per pupil effective October 1, 1990;

(c) For education of highly capable students, an increase of \$1.29 per pupil effective October 1, 1989, and an additional increase of \$0.58 per pupil effective October 1, 1990;

(d) For transitional bilingual education, an increase of \$2.44 per pupil effective October 1, 1989, and an additional increase of \$1.11 per pupil effective October 1, 1990;

(e) For vocational-technical institutes, an increase of \$10.05 per full time equivalent pupil effective October 1, 1989, and an additional increase of \$4.58 per full time equivalent pupil effective October 1, 1990.

(7) If Substitute House Bill No. 2230 (K-12 employee benefit plans) is not enacted by June 30, 1990, increases under this section to be effective October 1, 1990, shall not be implemented and \$4,130,000 of the appropriation in this section shall lapse.

Sec. 506. Section 507, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ ~~((250,021,000))~~
252,938,000

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

(1) \$22,695,000 is provided solely for distribution to school districts for the remaining months of the 1988-89 school year.

(2) A maximum of ~~\$(111,468,000))~~ 112,197,000 may be distributed for pupil transportation operating costs in the 1989-90 school year.

(3) A maximum of \$857,000 may be expended for regional transportation coordinators.

(4) A maximum of \$64,000 may be expended for bus driver training.

(5) For eligible school districts, the small fleet maintenance factor shall be funded at a rate of \$1.53 per weighted pupil-mile in the 1989-90 school year and \$1.60 per weighted pupil-mile in the 1990-91 school year.

Sec. 507. Section 508, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation \$ ~~((82,084,000))~~
83,299,000

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

(1) Funding for vocational programs during the 1989-90 school year shall be distributed at a rate of \$3.267 per student for a maximum of 12,655 full time equivalent students. This amount includes \$154 per student solely to replace out-of-date or worn-out equipment.

(2) Funding for vocational programs during the 1990-91 school year shall be distributed at a rate of \$3.268 per student for a maximum of 12,655 full time equivalent students. This amount includes \$154 per student solely to replace out-of-date or worn-out equipment.

(3) Funding for adult basic education programs during the 1989-90 school year shall be distributed at a rate of \$1.46 per hour of student service for a maximum of 288,690 hours.

(4) Funding for adult basic education programs during the 1990-91 school year shall be distributed at a rate of \$1.48 per hour of student service for a maximum of 288,690 hours.

(5) \$415,000 of the appropriation is provided solely for pilot programs established under Engrossed Second Substitute House Bill No. 2348. The pilot programs shall use innovative approaches for integrating adult education instruction with vocational training. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 508. Section 509, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

| | | |
|--|----|---------------------------|
| General Fund Appropriation—State | \$ | ((6,000,000)) |
| | | 7,500,000 |
| General Fund Appropriation—Federal | \$ | 85,000,000 |
| Total Appropriation | \$ | ((91,000,000)) |
| | | 92,500,000 |

The appropriations in this section are subject to the following conditions and limitations: \$1,500,000 of the general fund—state appropriation is provided solely for distribution to school districts in the 1990-91 school year in proportion to the total number of meals served to students by each district's food service program. This amount is provided solely for school districts to increase total school food service expenditures for costs other than employee compensation above the district's level for the prior school year.

Sec. 509. Section 510, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS

| | | |
|--|----|----------------------------|
| General Fund Appropriation—State | \$ | ((503,593,000)) |
| | | 527,882,000 |
| General Fund Appropriation—Federal | \$ | 59,000,000 |
| Total Appropriation | \$ | ((562,593,000)) |
| | | 586,882,000 |

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

(1) ~~S((48,111,000))~~ 48,101,000 of the general fund—state appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1989-90 and 1990-91 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 13 as developed on March 25, 1989, at 13:45 hours.

(3) A maximum of ~~S((440,000))~~ 527,000 may be expended from the general fund—state appropriation to fund ~~((4-66))~~ 5.43 full time equivalent teachers and ~~((one aide))~~ 2.1 full time equivalent aides at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) \$272,000 of the general fund—state appropriation is provided solely for the early childhood home instruction program for hearing impaired infants and their families. \$80,000 of the amount provided in this subsection is a one-time grant to replace lost federal support and maintain program continuity until other nonstate resources to support existing service levels can be identified.

(5) \$150,000 of the general fund—state appropriation is provided solely for development and implementation of a process for school districts to bill medical assistance for eligible services included in handicapped education programs, pursuant to Substitute House Bill No. 2014. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse. \$50,000 of the amount provided in this subsection is solely for interagency reimbursement for administrative and planning costs of the department of social and health services. \$100,000 of the amount provided in this subsection is solely for contracts with educational service districts for development and implementation of billing systems.

(6) A maximum of ~~S((1,500,000))~~ 1,200,000 of the general fund—state appropriation may be granted to school districts for pilot programs for prevention of learning problems established under ~~((section 13 of Engrossed Substitute House Bill No. 1444))~~ RCW 28A.120.094. A district's grant for a school year under this subsection shall not exceed:

(a) The total of state allocations for general apportionment and handicapped education programs that the district would have received for that school year with the percentage of students identified as specific learning disabled ((enrollment)) at the ~~((prior))~~ 1988-89 school year's level or four percent, whichever is greater; minus

(b) The total of the district's actual state allocations for general apportionment and handicapped education programs for that school year.

Sec. 510, Section 513, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

General Fund Appropriation \$ ~~((82,700,000))~~
95,916,000

The appropriation in this section is subject to the following conditions and limitations: \$~~((82,700,000))~~ 95,916,000 is provided for state matching funds pursuant to RCW 28A.41.155.

Sec. 511, Section 515, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State \$ ~~((20,566,000))~~
21,939,000

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

Total Appropriation \$ ~~((20,572,000))~~
29,945,000

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

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

(2) ~~S((10,165,000))~~ 11,374,000 of the general fund—state appropriation is provided solely for the 1989-90 school year, distributed as follows:

(a) ~~S((3,293,000))~~ 3,377,000 is provided solely for programs in state institutions for the handicapped or emotionally disturbed. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of ~~S((10,903))~~ 11,144 per full time equivalent student.

(b) ~~S((3,647,000))~~ 3,883,000 is provided solely for programs in state institutions for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of ~~S((6,720))~~ 6,750 per full time equivalent student.

(c) ~~S((418,000))~~ 444,000 is provided solely for programs in state group homes for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of ~~S((5,166))~~ 5,344 per full time equivalent student.

(d) ~~S((727,000))~~ 821,000 is provided solely for juvenile parole learning center programs. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of ~~S((1,772))~~ 2,032 per full time equivalent student, and are in addition to moneys allocated for these students through the basic education formula established in section 502 of this act.

(e) ~~S((2,000,000))~~ 2,849,000 is provided solely for programs in county detention centers. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of ~~S((4,071))~~ 4,976 per full time equivalent student.

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

(a) State funding for programs in state institutions for the handicapped or emotionally disturbed may be distributed at a maximum rate averaged over all of these programs of ~~S((10,047))~~ 11,128 per full time equivalent student and a total allocation of no more than ~~S((2,005,000))~~ 2,960,000 for that school year.

(b) State funding for programs in state institutions for delinquent youth may be distributed at a maximum rate averaged over all of these programs of ~~S((6,741))~~ 6,761 per full time equivalent student and a total allocation of no more than ~~S((3,701,000))~~ 3,712,000 for that school year.

(c) State funding for programs in state group homes for delinquent youth may be distributed in that school year at a maximum rate averaged over all of these programs of ~~S((5,177))~~ 5,489 per full time equivalent student and a total allocation of no more than ~~S((419,000))~~ 445,000 for that school year.

(d) State funding for juvenile parole learning center programs may be distributed at a maximum rate averaged over all of these programs of ~~S((1,709))~~ 2,021 per full time equivalent student and a total allocation of no more than ~~S((723,000))~~ 816,000 for that school year, excluding funds provided through the basic education formula established in section 502 of this act.

(e) State funding for programs in county detention centers may be distributed at a maximum rate averaged over all of these programs of ~~S((4,002))~~ 4,987 per full time equivalent student and a total allocation of no more than ~~S((2,000,000))~~ 2,125,000 for that school year.

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

(5) Notwithstanding any other provision of this section, the superintendent of public instruction may transfer funds between the categories of institutions identified in subsections (2) and (3)

of this section if the maximum expenditures per full time equivalent student for each category of institution are not thereby exceeded.

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

(7) The superintendent of public instruction shall conduct a study of institutional education programs, addressing the division of administrative and budgetary responsibilities between the school districts, the department of social and health services, and, in the case of county detention centers, the juvenile court administrators. The superintendent shall consult with the department of social and health services and the institutions in designing and conducting the study, and in developing recommendations. The study shall include recommendations on methods to improve communication, decision making, and cooperation among school district and institutional staff, as well as coordination of programs and responsiveness to student needs. The superintendent shall submit a report of the study to the legislature prior to December 1, 1990, including recommendations for legislative action and changes in administrative practices.

Sec. 512. Section 516, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

| | | |
|----------------------------------|----|------------------------|
| General Fund Appropriation | \$ | (7,090,000) |
| | | <u>7,115,000</u> |

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

(1) ~~\$(534,000)~~ 532,000 is provided solely for distribution to school districts for the remaining months of the 1988-89 school year.

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

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

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

Sec. 513. Section 517, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL DISTRICT SUPPORT

| | | |
|--|----|---------------------------|
| General Fund Appropriation—State | \$ | ((5,684,000)) |
| | | <u>6,534,000</u> |
| General Fund Appropriation—Federal | \$ | <u>5,131,000</u> |
| Total Appropriation | \$ | ((10,815,000)) |
| | | <u>11,665,000</u> |

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

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

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

(3) \$2,029,000 of the general fund—state appropriation is provided solely for operation by the educational service districts of regional computer demonstration centers and computer information centers.

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

(5) ~~\$(1,500,000)~~ 2,250,000 of the general fund—state appropriation is provided solely for training of paraprofessional classroom assistants and classroom teachers to whom the assistants are assigned. The funding is intended to provide a training program of at least twenty-five hours for approximately one thousand five hundred classroom assistants, and at least a one-day training program for approximately ~~((two))~~ three thousand assigned teachers. A maximum of \$175,000 of this amount may be spent by the superintendent for state administrative costs of this program.

(6) \$350,000 of the general fund—state appropriation is provided solely for grants to school districts for multicultural inservice training. In the 1990-91 school year, grants may be

provided for up to ten school districts. Districts shall be selected according to the minority percentage of their student population and their demonstrated need to address disproportionality in student achievement.

(7) \$100,000 of the general fund—state appropriation is provided solely to contract with the Henry M. Jackson school of international studies at the University of Washington pursuant to Engrossed Substitute House Bill No. 2653. The contract shall include inservice training programs, technical assistance to school districts, and dissemination of curriculum materials related to international education. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 514. Section 518, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL AND PILOT PROGRAMS

| | | |
|--|----|---------------------------|
| General Fund Appropriation—State | \$ | ((15,991,000)) |
| | | 32,376,000 |
| General Fund Appropriation—Federal | \$ | ((5,973,000)) |
| | | 7,857,000 |
| Total Appropriation | \$ | ((21,964,000)) |
| | | 40,233,000 |

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

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

(2) \$88,000 of the general fund—state appropriation is provided solely for a contract with the Cispus learning center for environmental education programs.

(3) ~~\$(3,975,000))~~ 5,859,000 of the general fund—federal appropriation is provided solely for substance abuse prevention programs.

(4) ~~\$(5,719,000))~~ 7,429,000 of the general fund—state appropriation ~~((and \$1,710,000 of the general fund—federal appropriation are))~~ is provided solely for the schools for the twenty-first century pilot programs established by RCW 28A.100.030 through 28A.100.068. ~~((The general fund—federal appropriation shall be expended))~~ \$1,710,000 of this amount is provided solely to establish a maximum of twelve new projects in fiscal year 1991.

(5) ~~\$(3,560,000))~~ 4,060,000 of the general fund—state appropriation is provided solely for the beginning teachers assistance program established under RCW 28A.67.240. Moneys shall be distributed under this subsection at a maximum rate per mentor/beginning teacher team of \$1,780 per year.

(6) \$204,000 of the general fund—state appropriation is provided solely for child abuse education provisions of RCW 28A.03.512 through 28A.03.514.

(7) \$1,519,000 of the general fund—state appropriation is provided solely for grants to public or private nonprofit organizations to assist parents of children in headstart or early childhood education and assistance programs, who are enrolled in adult literacy classes or tutoring programs under RCW 28A.130.010 through 28A.130.020. Grants provided under this subsection may be used for scholarships, costs of transportation and child care, and other support services. Moneys provided under this subsection may not be used by the superintendent of public instruction for state administrative costs.

(8) \$82,000 of the general fund—state appropriation is provided solely for in-service training and other costs associated with the development of a comprehensive K-12 health education curriculum, including an integral component relating to acquired immunodeficiency syndrome.

(9) ~~\$(250,000))~~ 500,000 of the general fund—state appropriation is provided solely for the continuation in the 1989-90 and 1990-91 school years of student teaching pilot projects initially established under ~~((Engrossed Senate Bill No. 5026. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse))~~ RCW 28A.70.400.

(10) ~~\$(2,712,000))~~ 2,352,000 of the general fund—state appropriation and ~~\$(200,000))~~ 1,998,000 of the general fund—federal appropriation are provided solely for grants for dropout prevention and retrieval programs established under RCW 28A.120.060 through 28A.120.072(:(:)), with the following conditions:

(a) The general fund—federal appropriation shall be allocated to school districts for projects that meet federal criteria for targeted services eligible for funding under chapter 2 of the education consolidation and improvement act, to assist in establishing new services and innovative programs for students at risk.

(b) A minimum of \$450,000 of the general fund—state amount shall be distributed in the 1990-91 school year for programs to employ low-income students in grades ten through twelve as tutors for students in kindergarten through grade nine. School districts receiving these grants shall pay student tutors at least minimum wage. The tutoring shall be conducted after school hours. The school districts shall provide training and supervision of the student tutors.

(11) \$126,000 of the general fund—state appropriation is provided solely to establish and operate a toll-free telephone number at the Lifeline Institute to assist school districts in youth suicide prevention.

(12) \$6,000,000 of the general fund—state appropriation is provided solely for grants to school districts for magnet school programs established under Engrossed Substitute House Bill No. 2517. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(13) \$500,000 of the general fund—state appropriation is provided solely for the home-less education grant program established by Second Substitute House Bill No. 2359. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(14) \$2,000,000 of the general fund—state appropriation is provided solely for start-up grants for before-and-after school child care programs for school-age children. A school district may receive a grant under this subsection only if the district has adopted a fee schedule based on the projected costs of services, and has submitted to the superintendent of public instruction an operating plan demonstrating that, after its initial twenty-four months of operation, the program is expected to be fully supported through fees and other local revenues. The grants may be used for establishing new programs or for expanding existing programs, but may not be used for costs incurred more than twenty-four months after the establishment of a before-and-after school program at a particular site. No grant may support more than seventy-five percent of a district's program costs during the initial twenty-four months. The grants may be used for community needs assessments, planning and design of programs, equipment and supplies, capital improvements including portables, and compensation costs, for the first three months of employment only, for employees filling new positions.

(15) \$4,500,000 of the general fund—state appropriation is provided solely for grants to school districts for elementary school intervention specialists. The grants shall be used to contract with the department of social and health services and other social service agencies for school-based caseworkers or social workers, or for the districts to employ or jointly employ school social workers, providing services on a twelve-month basis. In selecting school districts to receive grants, the superintendent of public instruction shall give priority to districts participating in consortia of public and private social service agencies, pursuant to formalized agreements for coordinated case management, and to placing intervention specialists in schools with high concentrations of students from low-income families. School districts may not use the grants to supplant funding from other sources previously provided for counseling or intervention services. The minimum grant amount shall be \$25,000 per school district. Each school district that receives a grant shall conduct an evaluation of the effectiveness of its intervention program and submit a report to the superintendent of public instruction by June 30, 1991.

(16) \$1,000,000 of the general fund—state appropriation is provided solely to contract for teacher training in identification and prevention of child abuse.

(17) \$100,000 of the general fund—state appropriation is provided solely for the state board of education to contract for the development of a system to evaluate student performance using core competency standards.

(18) \$10,000 of the general fund—state appropriation is provided solely for a grant to the Seattle children's museum to provide after-school multicultural outreach programs for at-risk students.

(19) \$175,000 of the general fund—state appropriation is provided solely as matching funds to the Washington leadership institute to operate innovative and interactive youth leadership programs aimed at enhancing community development. No portion of the amount provided in this subsection may be expended unless matched by at least \$1.50 in private contributions for each dollar of state funding.

(20) Moneys provided in subsections (12) through (16) of this section may not be used by the superintendent of public instruction for state-level administrative costs.

Sec. 515. Section 520, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

| | | |
|----------------------------------|----|-------------------------|
| General Fund Appropriation | \$ | (+4,772,000) |
| | | 17,571,000 |

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

(1) ~~S(+4,772,000)~~ 1,521,000 is provided solely for the remaining months of the 1988-89 school year.

(2) The superintendent shall distribute funds for the 1989-90 and 1990-91 school years at a rate for each year of \$452 per eligible student.

Sec. 516. Section 521, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ ~~(70,417,000)~~
71,992,000

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

(1) \$~~(5,699,000)~~ 5,847,000 is provided solely for the remaining months of the 1988-89 school year.

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

Sec. 517. Section 522, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS
General Fund Appropriation \$ ~~(9,584,000)~~
8,834,000

The appropriation in this section is subject to the following conditions and limitations: Not more than \$1,792,000 of the general fund appropriation may be expended during fiscal year 1990.

PART VI HIGHER EDUCATION

Sec. 601. Section 601, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

The appropriations in sections 602 through 608 of this act are subject to the following conditions and limitations:

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

(2)(a) Student Quality Standard: Each institution shall adhere to biennial budgeted enrollment levels. During the 1989-91 fiscal biennium, each institution of higher education shall not spend less than the average biennial amount listed in this subsection per full time equivalent student, plus or minus two percent. The amounts include total appropriated general fund—state operating expenditures, less expenditures for plant maintenance and operation, with the exception of Washington State University, where cooperative extension and agriculture research expenditures are also excluded.

| | | |
|---|----|-------|
| University of Washington | \$ | 9,251 |
| Washington State University | \$ | 7,484 |
| Eastern Washington University | \$ | 5,493 |
| Central Washington University | \$ | 5,563 |
| The Evergreen State College | \$ | 6,904 |
| Western Washington University | \$ | 5,338 |
| State Board for Community College Education | \$ | 3,284 |

(b) Facilities Quality Standard: During the 1989-91 biennium, no institution of higher education may allow its expenditures for plant operation and maintenance to fall more than five percent below their allotments from the general fund—state appropriation and the general fund—local amounts allotted for this purpose.

(3)(a) The following are maximum amounts that each institution may spend from the appropriations in sections 602 through 608 and 610 of this act for ((faculty, graduate assistants, and exempt)) staff salary increases on January 1, 1990, and January 1, 1991, excluding classified staff salary increases, and are subject to all ((the)) of the conditions and limitations contained in this section. ((For the purpose of allocating these funds, "faculty" includes all instructional and research faculty, teaching and research assistants, academic deans, department chairpersons, librarians, and community college counselors who are not part of the state classified service system. "Exempt staff" includes all professional and administrative employees who are not part of the state classified service system.)) The amount shown for the state board for community college education may be used for compensation increases pursuant to Substitute House Bill No. 2999, if that bill is enacted by June 30, 1990.

| | | |
|--|----|---|
| University of Washington | \$ | ((18,348,000)) 18,434,000 |
| Washington State University | \$ | ((9,663,000)) 9,254,000 |
| Eastern Washington University | \$ | ((2,864,000)) 2,839,000 |
| Central Washington University | \$ | ((2,553,000)) 2,412,000 |
| The Evergreen State College | \$ | ((1,210,000)) 1,207,000 |
| Western Washington University | \$ | ((3,435,000)) 3,263,000 |
| State Board for Community College Education | \$ | ((19,753,000)) 20,328,000 |
| Higher Education Coordinating Board | \$ | 66,000 |

(b) For the January 1, 1990, salary increases, the amounts listed in (a) of this subsection are intended to provide faculty, exempt staff, teaching and research assistants, and medical residents at each four-year institution and the community college system as a whole, a maximum of the average percentage increase, including increments, listed below on the effective (~~dates indicated~~) date. For the purpose of allocating these funds, "faculty" includes all instructional and research faculty, teaching and research assistants, academic deans, department chairpersons, librarians, and community college counselors, who are not part of the state classified service system. "Exempt staff" includes all professional and administrative employees who are not part of the state classified service system.

| | <u>((Faculty and Exempt Staff))</u> January 1, 1990 | <u>((January 1, 1991))</u> |
|--|--|----------------------------|
| University of Washington | 6.1% | ((6.1%)) |
| Washington State University | 6.1% | ((6.1%)) |
| Eastern Washington University | 6.4% | ((6.4%)) |
| Central Washington University | 6.4% | ((6.4%)) |
| The Evergreen State College | 6.4% | ((6.4%)) |
| Western Washington University | 6.4% | ((6.4%)) |
| State Board for Community College Education | 6.2% | ((6.2%)) |
| Exempt staff (all institutions) | 2.5% | ((6.0%)) |
| Higher Education Coordinating Board | 2.5% | ((6.0%)) |

(c) For the January 1, 1991, salary increase, the average percentage increase for the combined group consisting of faculty, academic administrators, academic librarians, and teaching and research assistants, as defined by the employee classification system of the office of financial management, shall not exceed the following percentage for each of the following institutions:

| | <u>January 1, 1991</u> |
|-------------------------------|------------------------|
| University of Washington | 6.1% |
| Washington State University | 6.1% |
| Eastern Washington University | 6.4% |
| Central Washington University | 6.4% |
| The Evergreen State College | 6.4% |
| Western Washington University | 6.4% |

(d) For the January 1, 1991, salary increase for each of the institutions listed in subsection (3)(c) of this section and the higher education coordinating board, the average percentage increase for the combined group consisting of counselors, administrators and other professionals, as defined by the employee classification system of the office of financial management, shall not exceed 6.0%.

(e) For the January 1, 1991, salary increase for the community college system as a whole, the average percentage increase, including increments, for the combined group consisting of faculty, academic librarians, and counselors, as defined by the employee classification system of the office of financial management, shall not exceed 6.2%.

(f) For the January 1, 1991, salary increase for the community college system as a whole, the average percentage increase for the combined group consisting of administrators and other professionals, including academic administrators, as defined by the employee classification system of the office of financial management, shall not exceed 6.0%. The percentage increase may be used for compensation pursuant to Substitute House Bill No. 2999, if the bill is enacted by June 30, 1990.

(g) Regardless of whether the maximum amounts authorized in this subsection are granted, they will be considered granted by the higher education coordinating board when

comparing faculty salaries to other institutions for the purpose of determining salary increase requirements.

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

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

(4) The following amounts from the appropriations in sections 602 through 608 of this act, or as much thereof as may be necessary, shall be spent to provide higher education personnel board classified employees with a 2.5 percent across-the-board salary increase effective January 1, 1990, and an additional 6.0 percent across-the-board salary increase effective January 1, 1991. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126. No salary increase may be paid under this subsection to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

| | | |
|--|----|-----------|
| University of Washington | \$ | 4,484,000 |
| Washington State University | \$ | 2,950,000 |
| Eastern Washington University | \$ | 747,000 |
| Central Washington University | \$ | 574,000 |
| The Evergreen State College | \$ | 427,000 |
| Western Washington University | \$ | 792,000 |
| State Board for Community College Education | \$ | 4,011,000 |
| Higher Education Coordinating Board | \$ | 35,000 |

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

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

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

(7) The office of financial management shall by November 1, 1989, develop an employee classification system for the purpose of allocating the appropriations in this act for higher education salary increases. In developing the classification system, the office of financial management shall consult with the institutions of higher education, the senate committee on ways and means, and the house of representatives committee on appropriations. The classification system shall be consistent among the institutions and shall provide for uniform application of each employee classification, including instructional and research faculty, academic and administrative deans, department chairpersons, exempt and classified staff, presidents, chancellors, vice-presidents, librarians, and counselors. An institution of higher education shall not grant any salary increase under this section unless the office of financial management determines that the increase is consistent with the classification system required by this subsection. It is the intent of the legislature to adjust the appropriations in this act during the 1990 legislative session to reflect the classification system; the appropriation adjustments shall result in a total expenditure level that is less than or equal to the total amount allocated for salary increases under this section to all institutions. The classification system shall be used solely for the purpose of salary increase allocations for the January 1, 1991, increase under this section and shall not affect any employee rights under the state higher education personnel law, chapter 28B.16 RCW.

(8) The higher education coordinating board shall, by November 1, 1990, complete an analysis of higher education salary levels, including comparisons with peer institutions, for the employee groups defined in the office of financial management employee classification system, except for classified staff and students.

Sec. 602. Section 602, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation \$ ~~((629,466,000))~~
633,616,000

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

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

~~((3))~~ (2) The enrollment increases funded by this appropriation shall be distributed among all the community college districts based on the weighted percentage enrollment plan developed by the state board for community college education, and contained in the legislative budget notes.

~~((4))~~ (3)(a) At least \$400,000 shall be spent on assessment of student outcomes. The institutions shall strive to improve the quality of instruction in areas such as instructor contact time and student writing requirements.

(b) At least \$1,620,000 shall be spent on college-specific assessment of student outcomes. The institutions shall strive to improve the quality of instruction in areas such as instructor contact time and student writing requirements.

~~((5))~~ (4) At least \$50,000 shall be spent to fund the comparable worth salary adjustments for employees in community college childcare centers.

~~((6))~~ (5) \$5,430,000 is provided to enhance the institution's appropriation for equipment.

(6) \$1,350,000 of the general fund—state appropriation is provided solely for the community college faculty award trust fund pursuant to Second Substitute House Bill No. 2372 or Substitute Senate Bill No. 6216. If neither bill is enacted before June 30, 1990, the amount provided in this subsection shall lapse.

(7) \$580,000 of the general fund—state appropriation is provided solely for six pilot training programs that incorporate innovative means of responding to the needs of businesses and the work force, as part of the human capital investment program pursuant to Engrossed Second Substitute House Bill No. 2348. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(8) \$25,000 of the general fund appropriation is provided solely for allocation to those community colleges which have been selected to receive \$1,000,000 in federal money if \$500,000 of nonfederal money is raised, under the United States department of education endowment challenge grant program authorized by title III of the higher education act. Any community colleges receiving money under this subsection shall use it solely as part of the nonfederal match requirement described in this subsection.

Sec. 603. Section 603, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation \$ ~~((613,671,000))~~
616,920,000
Medical Aid Fund Appropriation \$ 3,518,000
Accident Fund Appropriation \$ 3,517,000
Death Investigations Account Appropriation \$ 957,000
Total Appropriation \$ ~~((621,663,000))~~
624,912,000

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

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

(2) The University of Washington shall establish an evening degree credit program. ~~\$((397,000))~~ 3,473,000 of the general fund appropriation is provided ~~((to facilitate))~~ solely for this purpose.

(3) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(4) \$4,587,000 is provided to enhance the institution's appropriation for equipment.

(5) \$500,000 of the general fund appropriation is provided solely for the Warren G. Magnuson Institute trust fund, pursuant to Second Substitute House Bill No. 2443. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 604. Section 604, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation \$ ~~((337,969,000))~~
337,957,000

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

(1) At least \$2,012,000 shall be spent to expand upper-division and graduate off-campus course offerings.

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

(3) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(4) \$1,237,000 is provided to enhance the institution's appropriation for equipment.

(5) \$300,000 is provided solely for implementing programs for gender equity in athletics.

(6) \$337,000 is provided solely for the instructional programs at the Tri-Cities branch campus.

Sec. 605. Section 605, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ ~~(92,656,000)~~
92,747,000

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

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

(2) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(3) \$516,000 is provided to enhance the institution's appropriation for equipment.

Sec. 606. Section 606, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation \$ ~~(78,366,000)~~
78,109,000

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

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

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

(3) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(4) \$316,000 is provided to enhance the institution's appropriation for equipment.

Sec. 607. Section 607, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation \$ ~~(48,375,000)~~
49,006,000

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

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

(2) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(3) \$377,000 is provided to enhance the institution's appropriation for equipment.

(4) \$315,000 is provided solely for the Washington state institute for public policy at The Evergreen State College for the purpose of beginning a research and evaluation effort to examine the effectiveness of sex offender and victims' programs, including treatment. The institute may allocate moneys to research projects to assist the research and evaluation. Decisions regarding the allocation of these moneys shall be made in consultation with an advisory panel. The advisory panel shall establish criteria to ensure that the funded projects meet the highest standards of methodological rigor and will be of value to state policy makers. In order to provide timely information to policy makers, a portion of the projects shall involve the design of longitudinal studies. The institute shall consider applicants from for-profit and non-profit organizations in addition to public universities and colleges in making awards under this subsection. The advisory panel shall consist of:

(a) Three academicians from state public and private universities, to be selected by the institute's board of directors;

(b) The secretary of corrections or his or her designee;

(c) One legislator appointed by the majority leader of the senate and one legislator appointed by the speaker of the house of representatives;

(d) A representative of crime victims, to be appointed by the governor; and

(e) The research director of the sentencing guidelines commission.

The institute shall submit a report to the appropriate fiscal and policy committees of the legislature by November 1, 1990, on its progress in beginning the research and evaluation effort.

(5) \$140,000 of the general fund—state appropriation is provided solely for the study "Special Sex Offender Sentencing Alternative: A Study of Recidivism and Community Attitudes" to be conducted through the Harborview Medical Center's special assault center and its subcontractors in satisfaction of the requirement in RCW 9.94A.124 to study the effectiveness of the special sexual sentencing standard.

Sec. 608. Section 608, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

| | | |
|----------------------------------|----|----------------------------|
| General Fund Appropriation | \$ | ((102,936,000)) |
| | | <u>102,764,000</u> |

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

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

(2) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(3) \$805,000 is provided to enhance the institution's appropriation for equipment.

Sec. 609. Section 610, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD

| | | |
|---|----|---------------------------|
| General Fund Appropriation—State | \$ | ((58,248,000)) |
| | | <u>66,494,000</u> |
| General Fund Appropriation—Federal | \$ | <u>4,152,000</u> |
| State Educational Grant Account Appropriation | \$ | <u>40,000</u> |
| Total Appropriation | \$ | ((62,440,000)) |
| | | <u>70,686,000</u> |

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

(1) \$53,943,000 of the general fund—state appropriation is provided solely for student financial aid, including administrative costs. Of that amount:

(a) At least \$18,100,000 shall be expended for work study grants;

(b) \$31,609,000 of the general fund—state appropriation is provided solely for the state need grant program. The need grant award to any individual shall not exceed the amount received by a student attending a state research university;

(c) \$250,000 is provided solely for additions to the conditional scholarship program for nurses;

(d) \$300,000 is provided solely for additions to the conditional scholarship program for teachers;

(e) \$500,000 is provided solely for the educational opportunity grant program; and

(f) \$100,000 is provided solely for a community scholarship program demonstration project to make matching awards of \$2,000 to community scholarship foundations that:

(i) After the effective date of this act, begin a higher education scholarship program and raise at least \$2,000 for the program;

(ii) Obtain and maintain tax-exempt status under section 501(c)(3) of the internal revenue code for the fund supporting the scholarship program; and

(iii) Have not previously received a matching award from the amount provided in this subsection (1)(f).

(2) \$4,250,000 of the general fund—state appropriation is provided solely for the Washington distinguished professorship trust account.

(a) For the biennium ending June 30, 1991, the amount provided in this subsection shall be allocated as provided in this subsection (2)(a). The state treasurer shall reserve the following sums in the trust account for distribution to four-year higher education institutions at such time as qualifying gifts for distinguished professorships have been deposited:

(i) \$2,000,000 for the University of Washington;

(ii) \$1,250,000 for Washington State University; and

(iii) \$1,000,000 divided among Eastern Washington University, Central Washington University, Western Washington University, and The Evergreen State College. An institution of higher education is not eligible for any funds under this subsection (a)(iii) until the institution has requested designation of the funds guaranteed to the institution under section 4, chapter 125, Laws of 1988.

(b) As of June 30, 1991, if any moneys reserved in subsections (2)(a) (i), (ii), or (iii) of this section have not been designated as matching funds for qualifying gifts, any four-year institution of higher education that has otherwise fully utilized the professorships allocated to it by this subsection may be eligible for such funds under rules promulgated by the higher education coordinating board.

(3) \$3,000,000 of the general fund—state appropriation is provided solely for the Washington graduate fellowship trust account.

(a) For the biennium ending June 30, 1991, all appropriations to the Washington graduate fellowship trust account shall be allocated as provided in this subsection. The state treasurer shall reserve the following amounts in the trust account for distribution to four-year higher education institutions at the time qualifying gifts for graduate fellows have been deposited:

(i) Sixty percent of the appropriation for the University of Washington;

(ii) Thirty percent of the appropriation for Washington State University;

(iii) Ten percent of the appropriation divided equally among Eastern Washington University, Central Washington University, Western Washington University, and The Evergreen State College.

(b) As of May 1, 1991, if any funds reserved in subsection (8)(a) (i), (ii), or (iii) of this section have not been designated as matching funds for qualifying gifts, any four-year institution of higher education that has otherwise fully utilized the graduate student fellowships allocated to it by this subsection may be eligible for such funds under rules promulgated by the higher education coordinating board.

(4) \$321,000 of the general fund—state appropriation is provided solely for the summer motivation and academic residential training demonstration project. This demonstration project shall include an analysis of the subsequent high school performance of former participants, including their grades, attendance, and graduation rates.

(5) \$50,000 of the general fund—state appropriation is provided solely for the development of a state plan for nursing education, as described in section 713, chapter 9, Laws of 1989 1st ex. sess. (uncodified).

(6) \$50,000 of the general fund—state appropriation is provided solely for a study of the upper division baccalaureate educational needs of place-bound students living in areas of the state not currently served by existing postsecondary institutions or branches. The study shall include recommendations on how the needs should be addressed, and which institutions should be responsible for serving specific areas.

(7) \$500,000 of the general fund—state appropriation is provided solely for deposit into the American Indian endowed scholarship trust fund, pursuant to Second Substitute House Bill No. 2831. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(8) The higher education coordinating board shall include in its tuition and financial aid recommendations for 1991, recommendations regarding tuition waiver and fee reduction programs. The recommendations shall give special consideration to maximizing the amount of waivers that are granted on the basis of financial need.

NEW SECTION, Sec. 610. A new section is added to chapter 19, Laws of 1989 1st ex. sess. to read as follows:

The sum of \$50,000, or as much thereof as may be necessary, is appropriated from the state general fund to the higher education coordinating board for the biennium ending June 30, 1991, solely for the establishment of a Washington state writing demonstration project to be administered by the board or its designee. Under the project, proposals shall be competitively selected which enhance the skills of writing teachers in grades kindergarten through twelve in Washington public schools.

NEW SECTION, Sec. 611. A new section is added to chapter 19, Laws of 1989 1st ex. sess. to read as follows:

FOR THE WASHINGTON INSTITUTE OF APPLIED TECHNOLOGY

1991 Applied Technology Reserve Account \$ 1,500,000

This appropriation is provided solely for fiscal year 1991 and is subject to the following conditions and limitations:

(1) By April 15, 1990, the Washington institute of applied technology shall complete a specific plan leading to an application by September 1, 1990, for accreditation to the superintendent of public instruction and the National Association of Trade and Technical Schools, and shall review the plan with representatives from both of these organizations.

(2) By April 15, 1990, the institute's board of directors shall adopt an updated mission statement.

(3) By June 15, 1990, all of the institute's instructors shall be certified by either the superintendent of public instruction or the state board for community college education.

(4) By June 15, 1990, the institute shall publish a catalog describing its mission, services, programs, and courses.

(5) On September 15, 1990, and on January 15, 1991, the institute shall report to the state board for vocational education on the status of each of the requirements contained in subsections (1) through (4) of this section. The reports shall also describe the status of implementing recommendations contained in the January 1990 study of the institute prepared by the state board for vocational education.

Sec. 612, Section 614, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR WASHINGTON STATE LIBRARY

| | | |
|---|----|-------------------|
| General Fund Appropriation—State | \$ | ((11,013,000)) |
| | | <u>12,504,000</u> |
| General Fund Appropriation—Federal | \$ | 4,620,000 |
| General Fund Appropriation—Private/Local | \$ | 112,000 |
| Western Library Network Computer System Revolving Fund Approp- riation—Private/Local | \$ | 14,073,000 |
| Total Appropriation | \$ | ((29,618,000)) |
| | | <u>31,309,000</u> |

The appropriations in this section are subject to the following conditions and limitations: \$2,331,000 of the general fund—state and the general fund—federal appropriations are provided solely for a contract with the Seattle public library for library services for the blind and physically handicapped.

Sec. 613. Section 618, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

| | | |
|---|----|------------------|
| General Fund Appropriation | \$ | ((873,000)) |
| | | <u>973,000</u> |
| State Capitol Historical Association Museum Account Appropriation | \$ | 119,000 |
| Total Appropriation | \$ | ((992,000)) |
| | | <u>1,092,000</u> |

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the general fund appropriation is provided solely for the continuation of a technical assistance program for local heritage organizations.

PART VII

SPECIAL APPROPRIATIONS

Sec. 701. Section 701, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

| | | |
|--|-----------|--------------------|
| General Fund Appropriation for fire insurance premiums tax distribu- tion | \$ | ((5,239,000)) |
| | | <u>4,300,000</u> |
| General Fund Appropriation for public utility district excise tax distri- bution | \$ | ((22,854,000)) |
| | | <u>23,700,000</u> |
| General Fund Appropriation for prosecuting attorneys' salaries | \$ | 2,277,000 |
| General Fund Appropriation for motor vehicle excise tax distribution | \$ | ((68,749,000)) |
| | | <u>70,000,000</u> |
| General Fund Appropriation for local mass transit assistance | \$ | ((208,213,000)) |
| | | <u>215,000,000</u> |
| General Fund Appropriation for camper and travel trailer excise tax distribution | \$ | ((2,600,000)) |
| | | <u>2,200,000</u> |
| <u>General Fund Appropriation for boating safety/education and law enforcement distribution</u> | <u>\$</u> | <u>1,100,000</u> |
| Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution | \$ | ((80,000)) |
| | | <u>90,000</u> |
| Liquor Excise Tax Fund Appropriation for liquor excise tax distribu- tion | \$ | ((18,667,000)) |
| | | <u>19,900,000</u> |
| Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution | \$ | 290,025,000 |
| Liquor Revolving Fund Appropriation for liquor profits distribution | \$ | ((41,250,000)) |
| | | <u>48,750,000</u> |
| Timber Tax Distribution Account Appropriation for distribution to "Timber" counties | \$ | ((57,544,000)) |
| | | <u>96,200,000</u> |
| Municipal Sales and Use Tax Equalization Account Appropriation | \$ | ((37,002,000)) |
| | | <u>37,200,000</u> |
| County Sales and Use Tax Equalization Account Appropriation | \$ | ((12,095,000)) |
| | | <u>15,500,000</u> |
| <u>\$2,700,000 of this appropriation is provided solely for increased sales tax equalization payments to counties pursuant to Substitute House Bill No. 2833 (local criminal justice revenue). If the bill is not enacted by June 30, 1990, this amount shall lapse.</u> | | |
| Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies | \$ | ((636,000)) |
| | | <u>736,000</u> |
| Municipal Targeted Fiscal Assistance Account Appropriation | \$ | 1,600,000 |

This appropriation is provided solely for municipal targeted fiscal assistance pursuant to Substitute House Bill No. 2833 (local criminal justice revenue). If this bill is not enacted by June 30, 1990, this appropriation shall lapse.

| | | |
|---------------------|----|--------------------------|
| Total Appropriation | \$ | (767,801,000) |
| | | 850,753,000 |

Sec. 702. Section 702, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION

| | | |
|---|---------------|-------------------------|
| Forest Reserve Fund Appropriation for federal forest reserve fund distribution | \$ | (70,000,000) |
| | | 100,000,000 |
| General Fund Appropriation for federal flood control funds distribution | \$ | 70,000 |
| General Fund Appropriation for federal grazing fees distribution | \$ | 50,000 |
| (Geothermal Account Appropriation—Federal) | \$ | 20,000 |
| General Fund Appropriation for distribution of federal funds to counties in conformance with Public Law 97-99 | \$ | 720,000 |
| Total Appropriation | \$ | (70,860,000) |
| | | 100,840,000 |

NEW SECTION. Sec. 703. A new section is added to chapter 19, Laws of 1989 1st ex. sess. to read as follows:

FOR THE GOVERNOR—SELF-INSURANCE FUND PREMIUMS

| | | |
|--|----|-----------|
| General Fund Appropriation | \$ | 5,229,000 |
| Agency Self-Insurance Liability Premium Revolving Fund Appropriation | \$ | 4,271,000 |
| Total Appropriation | \$ | 9,500,000 |

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of self-insurance fund premiums from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the agency self-insurance liability premium revolving fund, hereby created, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay self-insurance fund premiums due.

NEW SECTION. Sec. 704. A new section is added to chapter 19, Laws of 1989 1st ex. sess. to read as follows:

FOR THE GOVERNOR—FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND

| | | |
|--|----|------------|
| General Fund Appropriation | \$ | 9,390,923 |
| Motor Vehicle Fund Appropriation | \$ | 3,963,233 |
| Wildlife Fund—State Appropriation | \$ | 242,408 |
| Accident Fund Appropriation | \$ | 348,307 |
| Horse Racing Fund Appropriation | \$ | 224,972 |
| Liquor Revolving Fund Appropriation | \$ | 104,459 |
| Resource Management Cost Account Appropriation | \$ | 81,931 |
| Total Appropriation | \$ | 14,356,233 |

Sec. 705. Section 712, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR BELATED CLAIMS

(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund

| | | |
|--|----|-----------|
| | \$ | 1,140,000 |
|--|----|-----------|

(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1991, except as otherwise noted.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

| | | |
|---|----|---------------------|
| Medical Disciplinary Account | \$ | 520 |
| Institutional Impact Account | \$ | (26,153) |
| | | 28,188 |
| ORV (Off-Road-Vehicle) Account | \$ | 23 |
| Hospital Commission Account | \$ | 15,224 |
| Centennial Commission Account | \$ | 940 |
| Public Safety and Education Account | \$ | 1,151 |
| Health Professions Account | \$ | (734) |
| | | 679 |
| Forest Development Account | \$ | 6,122 |
| Real Estate Commission Account | \$ | 1,614 |
| Reclamation Revolving Account | \$ | (103) |
| | | 207 |
| Landowner Contingency Forest Fire Suppression Account | \$ | 600 |
| Capitol Building Construction Account | \$ | 40,251 |

| | | |
|--|----|---------------|
| Resource Management Cost Account | \$ | 9,295 |
| Litter Control Account | \$ | 34,305 |
| State Building Construction Account | \$ | 35 |
| Outdoor Recreation Account | \$ | 1,958 |
| Local Governance Study Commission Account | \$ | 42 |
| Grade Crossing Protective Fund | \$ | 1,029 |
| State Patrol Highway Account | \$ | 25,745 |
| Motorcycle Safety Education Fund | \$ | 266 |
| Fire Service Training Account | \$ | 447 |
| Seed Fund | \$ | 3,023 |
| Electrical License Fund | \$ | 724 |
| State Wildlife Fund | \$ | ((20,500)) |
| | | <u>22,400</u> |
| Highway Safety Fund | \$ | 7,774 |
| Motor Vehicle Fund | \$ | ((14,046)) |
| | | <u>13,733</u> |
| Puget Sound Ferry Operations Account | \$ | 12 |
| Public Service Revolving Fund | \$ | ((6,042)) |
| | | <u>6,104</u> |
| Insurance Commissioner's Regulatory Account | \$ | 1,910 |
| State Treasurer's Service Fund | \$ | 1,053 |
| Legal Services Revolving Fund | \$ | 2,557 |
| Municipal Revolving Fund | \$ | 5,671 |
| Department of Personnel Service Fund | \$ | ((6,472)) |
| | | <u>7,120</u> |
| State Auditing Services Revolving Fund | \$ | 1,240 |
| Liquor Revolving Fund | \$ | 15,445 |
| Department of Retirement Systems Expense Fund | \$ | 2,982 |
| Accident Fund | \$ | 62,964 |
| Medical Aid Fund | \$ | 57,948 |
| Western Library Network Computer System Revolving Fund | \$ | 460 |
| Pressure Systems Safety Fund | \$ | 32 |

NEW SECTION. Sec. 706. A new section is added to chapter 19, Laws of 1989 1st ex. sess. to read as follows:

FOR SUNDRY CLAIMS

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of the department of general administration, except as otherwise provided, as follows:

- (1) Compensation to the following for all pending claims of damage to crops by game: PROVIDED, That payment shall be made from the Wildlife Fund:
 - (a) John Clees, Carlton, Washington
 - (b) Harold Weber, Grand Coulee, Washington
 - (c) James Fleishman, Chinook, Washington
- (2) Juanita Mullen, Lori O'Grady, Lawra C. Hill-Hodges, and Sandra Colvin, in settlement of all claims per order of Thurston County Superior Court, Cause No. 87-2-02413-7, provided that \$434,382.00 is from federal funds
- (3) Office of Thurston County Prosecutor, in settlement of all claims for expenses incurred under the institutional impact program
- (4) R. Frederickson, in settlement of all claims per order of Seattle Municipal court, Cause No. 88-183-0175, pursuant to RCW 9A.16.110, including interest
- (5) Mervin Ledford, in settlement of all claims per order of Snohomish County Superior Court, Cause No. 87-1-01087-7, pursuant to RCW 9A.16.110, including interest
- (6) M. Bartholomew, in settlement of all claims per order of Pierce County Superior Court, Cause No. 88-1-01288-3, pursuant to RCW 9A.16.110, including interest
- (7) Rober Hurtado, in settlement of all claims per order of Douglas County Superior Court, Cause No. 89-1-00014-1, pursuant to RCW 9A.16.110, including interest
- (8) Robert Carey, in settlement of all claims per order of Pierce County Superior Court, Cause No. 88-1-01288-3, pursuant to RCW 9A.16.110, including interest

| | | |
|---|----|-----------|
| (9) Tom Peters, in settlement of all claims per order of Longview Municipal Court, Cause No. 51656, pursuant to RCW 9A.16.110, including interest | \$ | 3,475.20 |
| (10) Maurilio Martinez, in settlement of all claims per Yakima County Superior Court, Cause No. 89-1-00515-3, pursuant to RCW 9A.16.110, including interest | \$ | 26,582.62 |
| (11) Jacques Gauron, in settlement of all claims per Renton District Court, King County, Cause No. J022378, pursuant to RCW 9A.16.110, including interest | \$ | 4,123.93 |
| (12) Robert Joswick, in settlement of all claims per Buckley District Court, Pierce County, Cause No. 77334, pursuant to RCW 9A.16.110, including interest | \$ | 2,527.10 |

Sec. 707. Section 708, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR—EMERGENCY FUND

General Fund Appropriation \$ 2,000,000

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

(1) The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

(2) Any loan from the governor's emergency fund to a city incorporated within three years of the date of the loan shall be forgiven.

Sec. 708. Section 714, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR—COMPENSATION—SALARY AND INSURANCE BENEFITS

General Fund Appropriation—State \$ ~~((65,000,000))~~

76,130,000

General Fund Appropriation—Federal \$ ~~((20,015,000))~~

24,182,000

Special Fund Salary and Insurance Contribution

Increase Revolving Fund Appropriation \$ ~~((47,630,000))~~

64,577,000

Wildlife Fund Appropriation—State \$ 1,285,000

Insurance Commissioner's Regulatory Account Appropriation \$ 215,000

Total Appropriation \$ ~~((132,733,000))~~

166,389,000

The appropriations in this section, or so much thereof as may be necessary, shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) \$40,060,000 of the general fund—state appropriation, \$13,311,000 of the general fund—federal appropriation, and \$31,888,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a 2.5 percent across-the-board salary increase effective January 1, 1990, and an additional 6.0 percent across-the-board salary increase effective January 1, 1991, for all classified and exempt employees under the state personnel board (SPB), and commissioned officers of the Washington state patrol. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126, where applicable.

(2) The governor shall allocate to state agencies from the general fund—state appropriation \$3,327,000 for fiscal year 1990 and \$6,654,000 for fiscal year 1991, from the general fund—federal appropriation \$513,000 for fiscal year 1990 and \$1,027,000 for fiscal year 1991, and from the special fund salary and insurance contribution increase revolving fund appropriation \$2,587,000 for fiscal year 1990 and \$5,173,000 for fiscal year 1991 to fulfill the 1989-91 obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(3)(a) The monthly contributions for insurance benefit premiums shall not exceed \$239.86 per eligible employee for fiscal year 1990, and \$246.24 for fiscal year 1991.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$16.21 per eligible employee for fiscal year 1990, and \$9.83 for fiscal year 1991.

(c) Any returns of funds to the health care authority resulting from favorable claims experienced during the 1989-91 biennium shall be held in reserve within the state employees insurance account until appropriated by the legislature.

(d) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(4) \$285,000 of the general fund—state appropriation and \$1,285,000 of the wildlife fund—state appropriation are provided solely to fund personnel reclassifications for biologists, enforcement personnel, and program managers in the department of wildlife. Expenditure of \$48,000 from the general fund—state appropriation and \$104,000 from the wildlife fund—state appropriation is contingent on state personnel board approval of the program manager reclassification.

(5) \$481,000 of the general fund—state appropriation is provided solely to fund personnel reclassifications for biologists and related job classes in the department of fisheries. Expenditure of these amounts is contingent on personnel board approval of these reclassifications.

(6) \$5,000,000 of the general fund—state appropriation and \$9,450,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided solely for salary increases effective January 1, 1991, for classified personnel under the state personnel board and under the higher education personnel board.

The amounts provided shall be used for increases for those employees furthest from prevailing rate as determined by the 1988 trend salary survey findings. Increases may be granted only in whole-range increments. To implement these increases, those employees furthest from prevailing rate shall be given a one-range increase. This process shall be repeated until this appropriation is expended or all employee salaries are moved to within twenty percent of prevailing rate, whichever comes first.

The findings of the 1988 salary survey (catch-up plus keep-up), expressed as the number of ranges behind prevailing rate, shall be used to determine which employees are furthest from prevailing rate. In determining salary increases under this subsection, the number of ranges behind prevailing rate shall be the same as the survey findings as originally adopted by the state personnel board and higher education personnel board, unless a job reclassification has been approved subsequent to June 1, 1988. If a reclassification has been approved, the number of ranges behind prevailing rate shall be adjusted based on the change resulting from the reclassification.

Calculations for determining the increases granted in this subsection shall be made subsequent to the calculations for the general salary increases granted in subsection (1) of this section. The general salary increases granted in subsection (1) of this section, and on January 1, 1989, shall not be considered to have reduced the number of ranges between employee salaries and prevailing rate as shown in the findings of the 1988 survey.

In no case may this appropriation be used to close the salary gap to less than twenty percent of prevailing rate. None of these funds may be used to grant salary increases to the attendant counselor job classifications granted salary increases under subsection (8) of this section.

(7) \$2,136,000 of the general fund—state appropriation, \$568,000 of the general fund—federal appropriation, and \$10,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided solely to implement a new salary range schedule for nurses that provides annual increments for the first ten years of experience, with additional increments at fifteen and twenty years. Expenditure of these amounts is contingent on approval by the state personnel board of the new salary range schedule. These amounts shall be allocated as follows:

(a) \$80,000 from the general fund—state appropriation to the department of corrections;

(b) \$25,000 from the general fund—state appropriation to the department of health;

(c) \$10,000 from the general fund—state appropriation, \$10,000 from the general fund—federal appropriation, and \$10,000 from the special fund salary and insurance contribution increase revolving fund appropriation to the department of veterans' affairs;

(d) \$314,000 from the general fund—state appropriation and \$369,000 from the general fund—federal appropriation to the department of social and health services, division of developmental disabilities;

(e) \$1,458,000 from the general fund—state appropriation and \$41,000 from the general fund—federal appropriation to the department of social and health services, division of mental health;

(f) \$148,000 from the general fund—state appropriation and \$148,000 from the general fund—federal appropriation to the department of social and health services, long-term care program; and

(g) \$101,000 from the general fund—state appropriation to the department of social and health services, division of juvenile rehabilitation.

(8) \$3,093,000 of the general fund—state appropriation and \$3,599,000 of the general fund—federal appropriation are provided solely for salary increases for attendant care counselors in the developmental disabilities program. These increases shall be implemented in two phases of the following amounts: Phase one—\$1,816,000 general fund—state and \$2,101,000 general fund—federal; and phase two—\$1,277,000 general fund—state and \$1,498,000 general fund—federal.

(9) \$215,000 of the insurance commissioner's regulatory account appropriation is provided solely to fund personnel reclassifications for compliance officers, analysts, and actuaries in the office of the insurance commissioner.

(10) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

((5)) (11) In calculating individual agency allocations for this section, the office of financial management shall calculate the allocation of each subsection separately. The separate allocations for each agency may be combined under a single appropriation code for improved efficiency. The office of financial management shall transmit a list of agency allocations by subsection to the senate committee on ways and means and the house of representatives committee on appropriations.

((6)) (12) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the state personnel board.

~~((7) Moneys from the)~~ (13) \$4,470,000 of the special fund salary and insurance contribution increase revolving fund appropriation in this section may be expended for salary and benefit increases for ferry workers in accordance with the 1989-91 transportation appropriations act.

Sec. 709, Section 715, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

| | FY 1990 | FY 1991 |
|----------------------------------|-----------------------------|---------------------------|
| General Fund Appropriation | \$ 63,000,000 | ((62,167,000)) |
| | | 3,300,000 |
| Total Appropriation | S((125,167,000)) | 66,300,000 |

~~((The appropriation in this subsection is subject to the following conditions and limitations: If Substitute Senate Bill No. 5418 is enacted before June 30, 1989, the FY 1991 appropriation in this subsection shall lapse.))~~

(2) There is appropriated for contributions to the judicial retirement system:

| | FY 1990 | FY 1991 |
|----------------------------------|-----------------------------|--------------------------|
| General Fund Appropriation | \$ ((1,100,000)) | ((1,100,000)) |
| | 2,400,000 | 2,592,000 |
| Total Appropriation | S((2,200,000)) | 4,992,000 |

~~The appropriation in this subsection is subject to the following conditions and limitations: \$92,000 is provided solely for implementation of Engrossed House Bill No. 2763. If the bill is not enacted by June 30, 1990, this amount shall lapse.~~

(3) There is appropriated for contributions to the judges retirement system:

| | FY 1990 | FY 1991 |
|----------------------------------|------------|---------|
| General Fund Appropriation | \$ 250,000 | 250,000 |
| Total Appropriation | \$500,000 | |

~~((If Substitute Senate Bill No. 5418 is enacted by June 30, 1989.))~~ The initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.32 RCW (the teachers' retirement system) shall be set at 11.34% of earnable compensation, beginning July 1, 1989, and 12.60% of earnable compensation, beginning September 1, 1990. ~~((If Substitute Senate Bill No. 5418 is not enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.32 RCW (the teachers' retirement system) shall be set at 11.34% of earnable compensation, beginning July 1, 1989.))~~

~~((If Substitute Senate Bill No. 5418 is enacted by June 30, 1989.))~~ The initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.40 RCW (the public employees' retirement system) shall be set at 5.99% of compensation earnable, beginning July 1, 1989, and 7.1% of earnable compensation, beginning September 1, 1990. ~~((If Substitute Senate Bill No. 5418 is not enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.40 RCW (the public employees' retirement system) shall be set at 5.99% of compensation earnable, beginning July 1, 1989.))~~

(6) The employer rate for all employers of members of the retirement system governed by chapter 43.43 RCW (the state patrol retirement system) shall be set at 19.88% of compensation ~~((for the 1989-91 biennium))~~ beginning July 1, 1989, and 21.47% of compensation beginning September 1, 1990.

Sec. 710, Section 716, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONTRIBUTIONS TO RETIREMENT SYSTEMS

| | FY 1990 | FY 1991 |
|--|-------------------|----------------|
| General Fund—State Appropriation | \$ 2,334,000 | ((9,283,666)) |
| General Fund—Federal Appropriation | \$ 480,000 | 9,313,000 |
| State Patrol Highway Account | \$ | 2,012,000 |
| Retirement Contribution Increase Revolving Fund | | 448,000 |
| Appropriation | \$ 1,954,000 | 9,494,000 |
| Total Appropriation | \$((25,557,666)) | |
| | <u>26,035,000</u> | |

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

(1) \$231,000 of the general fund—state appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees' retirement system.

(2) \$4,108,000 of the general fund—state appropriation, \$948,000 of the general fund—federal appropriation, and \$4,349,000 of the retirement contribution increase revolving fund appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees' retirement system resulting from Engrossed Substitute House Bill No. 1322. ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(3) \$6,544,000 of the general fund—state appropriation, \$1,486,000 of the general fund—federal appropriation, and \$7,157,000 of the retirement contribution increase revolving fund appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees' retirement system resulting from Engrossed Substitute Senate Bill No. 5418. ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(4) \$343,000, or as much as may be necessary, shall be distributed to state agencies to increase state contributions to the teachers' retirement fund resulting from Engrossed Substitute House Bill No. 1322. ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(5) \$391,000, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the teachers' retirement fund resulting from Substitute Senate Bill No. 5418. ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(6) \$30,000 of the general fund—state appropriation, and \$448,000 of the state patrol highway account appropriation, or as much thereof as may be necessary, shall be distributed to state agencies for increased contributions to the Washington state patrol retirement system under chapter 273, Laws of 1989.

Sec. 711, Section 718, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

| | | |
|--|---------------|----------------------|
| General Fund Appropriation: For transfer to the Institutional Impact Account | \$ | 332,536)) |
| <u>General Fund Appropriation: For transfer to the Miscellaneous Fund—Tort Claims Revolving Fund</u> | <u>\$</u> | <u>797,000</u> |
| <u>Liquor Revolving Account Appropriation: For transfer to the Miscellaneous Fund—Tort Claims Revolving Fund</u> | <u>\$</u> | <u>160,000</u> |
| General Government Special Revenue Fund—State Treasurer's Service Account Appropriation: For transfer to the general fund on or before July 20, 1991, an amount up to \$10,000,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1992, for credit to the fiscal year in which earned | \$ | 10,000,000 |
| General Fund Appropriation: For transfer to the Natural Resources Fund—Water Quality Account | \$ | 15,378,000 |
| Data Processing Revolving Account: For transfer to the General Fund | \$ | 2,400,000 |
| Public Facilities Construction Loan and Grant Revolving Fund: For transfer to the General Fund | \$ | ((3,116,666)) |
| | | <u>2,400,000</u> |
| Puget Sound Ferry Operations Account: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1989, through June 30, 1991 | \$ | 1,353,000 |
| Motor Vehicle Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation and the state patrol during the period July 1, 1989, through June 30, 1991 | \$ | 14,000,000 |
| Resource Cost Management Cost Account: For transfer to the University of Washington Bond Retirement Account | \$ | 15,000,000 |

| | | | |
|--|--|----|---|
| <u>Resource Management Cost Account: For transfer to the Agricultural College Permanent Account, the Normal School Permanent Account, and the University of Washington Bond Retirement Account a maximum of \$20,000,000. The distribution of the transfer to these beneficiary accounts will be determined by the department of natural resources</u> | | \$ | 20,000,000 |
| Water Quality Account Appropriation: For transfer to the water pollution revolving fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit | | \$ | 15,800,000 |
| Building Code Council Account Appropriation: For transfer to the general fund | | \$ | 210,000 |
| General Fund Appropriation, FY 1991: For transfer to the law enforcement officers' and fire fighters' retirement system as provided in Substitute Senate Bill No. 5418. ((If the bill is not enacted by June 30, 1989, this appropriation shall lapse)) | | \$ | ((62,167,000)) 60,267,000 |
| Conservation Areas Account: For transfer to the Natural Resources Conservation Area Stewardship Account | | \$ | ((364,000)) 2,832,000 |

PART VIII
MISCELLANEOUS

NEW SECTION. Sec. 801. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 802. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending sections 101, 102, 105, 108, 111, 112, 113, 114, 115, 116, 117, 120, 122, 125, 130, 131, 132, 137, 138, 139, 140, 144, 146, 147, 123, 202, 203, 204, 205, 206, 208, 210, 211, 213, 214, 216, 217, 218, 220, 221, 224, 225, 227, 228, 231, 233, 301, 304, 306, 308, 309, 313, 314, 315, 316, 317, 318, 401, 402, 501, 502, 503, 504, 505, 507, 508, 509, 510, 513, 515, 516, 517, 518, 520, 521, 522, 601, 602, 603, 604, 605, 606, 607, 608, 610, 614, 618, 701, 702, 712, 708, 714, 715, and 716 of chapter 19, Laws of 1989 1st ex. sess. (uncodified); amending section 14, chapter 10, Laws of 1989 1st ex. sess. (uncodified); amending section 402, chapter 271, Laws of 1989 (uncodified); amending section 407, chapter 271, Laws of 1989 (uncodified); amending section 409, chapter 271, Laws of 1989 (uncodified); amending section 414, chapter 271, Laws of 1989 (uncodified); amending section 419, chapter 271, Laws of 1989 (uncodified); amending section 19, chapter 383, Laws of 1989 (uncodified); and amending section 402, chapter 271, Laws of 1989 (uncodified); adding new sections to chapter 19, Laws of 1989 1st ex. sess. (uncodified); repealing section 236, chapter 19, Laws of 1989 1st ex. sess. (uncodified); making appropriations; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

At 11:11 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:46 a.m. by President Pro Tempore Bluechel.

MOTION

At 11:11 a.m., on motion of Senator Newhouse, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:30 p.m. by President Pritchard.

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9178, Arland D. Lyons, as a member of the Board of Trustees for Centralia Community College District No. 12, was confirmed.

MOTION

On motion of Senator Warnke, Senator Fleming was excused.

APPOINTMENT OF ARLAND D. LYONS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; absent, 7; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 41.

Absent: Senators Amondson, Bluechel, Hayner, McMullen, Nelson, Owen, Patterson - 7.

Excused: Senator Fleming - 1.

There being no objection, the Senate resumed consideration of House Bill No. 2290 and the pending Committee on Environment and Natural Resources striking amendment, deferred earlier today.

MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen and Metcalf to the striking Committee on Environment and Natural Resources amendment be adopted:

On page 7, line 33 of the amendment, before "hooks" insert "barbed" and on line 34, after "multiple" and before "hooks" insert "barbed"

POINT OF ORDER

Senator Bauer: "A point of order, Mr. President. I ask that you rule on scope and object on this amendment to the committee amendment. The title of this bill, 'Establishment of Emerging Commercial Fisheries'--commercial fisheries. Barbed hooks deal with sport fishery and has nothing at all to do with this bill."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of House Bill No. 2290 was deferred.

SECOND READING

SENATE BILL NO. 6733, by Senators Bailey, Rinehart, Anderson, Murray, Lee, Gaspard, Metcalf, Craswell, Bender, Benitz, Nelson, Johnson, Thorsness, Patrick, Rasmussen, Sellar, Smith, Warnke, Vognild, Smitherman, DeJarnatt, Madsen, Conner, Wojahn, Talmadge, Bauer, Williams, Kreidler, von Reichbauer, Fleming, Barr and Sutherland

Establishing school improvement programs.

MOTIONS

On motion of Senator Bailey, Second Substitute Senate Bill No. 6733 was substituted for Senate Bill No. 6733 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, Second Substitute Senate Bill No. 6733 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6733.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6733, and the bill passed the Senate by the following vote: Yeas, 41; nays, 8.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Thorsness, Vognild, von Reichbauer, Warnke, West - 41.

Voting nay: Senators Bauer, Moore, Niemi, Rinehart, Sutherland, Talmadge, Williams, Wojahn - 8.

SECOND SUBSTITUTE SENATE BILL NO. 6733, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6901, by Senators Saling and Bailey

Reviewing the Washington Institute for Applied Technology.

MOTIONS

On motion of Senator Saling, Substitute Senate Bill No. 6901 was substituted for Senate Bill No. 6901 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Saling, Substitute Senate Bill No. 6901 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Fleming: "Senator Saling, I want to thank you for the job that you have done in cleaning this bill up and making it something that we could all live with. I raised the question in the hearing that you had, I think it was last week or the week before on this measure, and you have the sunset date in that bill. One of the concerns that I had was that we could come back and this body not act either positive or negative, based on the study that you have received and by a lack of action, an institution that is serving a very important need would go by the wayside. I would hope that what we do here that we would come back with some kind of positive or negative action toward that and just not let it go away with inaction. Would that be your view of what you would like to see happen here?"

Senator Saling: "Yes, Senator, that is my view of what I would like to see happen. We did extend the termination date to 1992, to give them a little more time. We hope that it will be a very viable program in 1992."

MOTION

On motion of Senator Anderson, Senator Johnson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6901.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6901 and the bill passed the Senate by the following vote: Yeas, 44; absent, 4; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senators Bauer, Bluechel, Hayner, Matson - 4.

Excused: Senator Johnson - 1.

SUBSTITUTE SENATE BILL NO. 6901, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1824, by Committee on Higher Education (originally sponsored by Representatives Wood, Jacobsen, Wineberry and P. King)

Regarding tuition waivers for state employees at state institutions of higher education.

The bill was read the second time.

MOTIONS

On motion of Senator Saling, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 28B.15 RCW to read as follows:

(1) The governing boards of state institutions of higher education as defined in RCW 28B.10.016 may waive the tuition and services and activities fees for state employees as defined under subsection (2) of this section pursuant to the following conditions:

(a) Such state employees shall register for and be enrolled in courses on a space available basis and no new course sections shall be created as a result of the registration;

(b) Enrollment information on state employees registered pursuant to this section shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall such state employees be considered in any enrollment statistics which would affect budgetary determinations; and

(c) State employees registering on a space available basis shall be charged a registration fee of not less than five dollars.

(2) For the purposes of this section, "state employees" means permanent full-time employees in classified service under chapters 28B.16 and 41.06 RCW."

On motion of Senator Saling, the following title amendment was adopted:

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "and adding a new section to chapter 28B.15 RCW."

MOTION

On motion of Senator Saling, Substitute House Bill No. 1824, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTIONS

On motion of Senator Warnke, Senator Bauer was excused.

On motion of Senator Anderson, Senators Bluechel, Hayner and Matson were excused.

POINT OF INQUIRY

Senator Rasmussen: "Senator Saling, what type of employees--classified--and what does that encompass?"

Senator Saling: "Classified employees are those individuals who are normally in the service of the state under the Highway Department, the Department of Social and Health Services--those persons who are classified as one of those categories that are under a state-wide salary schedule type of situation."

Senator Rasmussen: "That would mean those at the state-wide salary poverty level?"

Senator Saling: "Some of our employees are pretty close to poverty level."

Senator Rasmussen: "Well, I was wondering if there was any level. We have state employees getting a hundred thousand dollars, we have state employees who are only getting fifteen thousand dollars."

Senator Saling: "There is no distinction at all."

Senator Rasmussen: "What class would you class the legislators?"

Senator Saling: "Poverty."

Senator Rasmussen: "I didn't hear that."

Senator Saling: "Poverty."

Senator Rasmussen: "In the event that we become full-time, we would be eligible to attend colleges, tuition free?"

Senator Saling: "Of course."

Senator Rasmussen: "That must be an excellent bill."

Senator Saling: "It is."

Senator Rasmussen: "The only thing that we need to do is make ourselves full-time."

Senator Saling: "You do it, Senator, I don't want it full-time."

Senator Rasmussen: "Me either, but we are making the bed so that we can climb into it."

Senator Saling: "Oh sure."

Senator Rasmussen: "I was curious about who we were taking care of."

Senator Saling: "We are taking care of any state employee who wants to take a course on a space available basis."

Senator Rasmussen: "A single course, not full-time?"

Senator Saling: "That's right."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1824, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1824, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Excused: Senators Bauer, Bluechel, Hayner, Johnson, Matson - 5.

SUBSTITUTE HOUSE BILL NO. 1824, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 2290 and the pending amendment by Senators Rasmussen and Metcalf on page 7, line 33, to the Committee on Environment and Natural Resources striking amendment, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Bauer, the President finds that House Bill No. 2290 is a measure which addresses emerging commercial fisheries.

"The amendment proposed by Senators Rasmussen and Metcalf to the Committee on Environment and Natural Resources amendment would redefine 'angling gear' through Title 77 to include barbed hooks.

"The President, therefore, finds that the proposed amendment to the committee amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Rasmussen and Metcalf on page 7, line 33, to the Committee on Environment and Natural Resources striking amendment was ruled out of order.

The President declared the question before the Senate to be the adoption of the Committee on Environment and Natural Resources striking amendment to House Bill No. 2290.

The Committee on Environment and Natural Resources striking amendment to House Bill No. 2290 was adopted by voice vote.

MOTIONS

On motion of Senator Metcalf, the following title amendment was adopted:

On page 1, line 2 of the title, after "process;" strike the remainder of the title and insert "amending RCW 75.08.011; adding new sections to chapter 75.30 RCW; adding a new section to chapter 75.10 RCW; and creating a new section."

On motion of Senator Metcalf, House Bill No. 2290, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Smith, Senators Amondson and Patrick were excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2290, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2290, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Amondson, Bluechel, Hayner, Patrick - 4.

HOUSE BILL NO. 2290, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2331, by Representatives H. Myers, Peery, Betrozoff, Jacobsen, Brumsickle, Pruitt, Rector, Spanel, Cooper, Phillips, Rayburn, Jones, Basich, Crane, Winsley, Schoon and Wang

Requiring teachers to complete a course on issues of abuse.

The bill was read the second time.

MOTION

On motion of Senator Bailey, Engrossed House Bill No. 2331 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bailey, the bill speaks of a course, but there is no spelled out length of time for a course. Could it be a short course, a two or three day course or what is intended?"

Senator Bailey: "The bill speaks to a preparation course. I don't think it defines the length of it. Let me read the bill here and see if it does. No, it does not."

Senator Rasmussen: "Who will make the determination--the Superintendent of Public Instruction--of what the length of the course is?"

Senator Bailey: "I would imagine that determination will be made by the Superintendent of Public Instruction."

Senator Rasmussen: "Do you know if they have a separate training course for teachers to determine what children have learning disabilities, dyslexia and things like that?"

Senator Bailey: "I can't answer that question, because I don't know the answer to it, but we talked a lot about that issue. Senator Wojahn has brought that issue before both the Ways and Means Committee and other committees that I have been in and I agree with her that we need to do something about that issue, but I can't answer your question directly."

Senator Rasmussen: "Well, thank you. I agree that it is needed, both of these, but I was curious as to what the length of the course would be. Senator Talmadge spoke of the amount of money it would cost. We have passed things of good will, but we really don't have much knowledge of that we are going to do."

Senator Bailey: "I will find out for you, Senator Rasmussen, and bring that information to you."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2331.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2331 and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Voting nay: Senators Anderson, Cantu, Craswell, Hayner, Smith - 5.

Excused: Senator Bluechel - 1.

ENGROSSED HOUSE BILL NO. 2331, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2413, by Representatives Wood, Rector, Locke, Prince, Ebersole, Dellwo, Miller, Anderson, Jacobsen, Peery, Wineberry, Day, Winsley, Brumsickle, Wolfe, P. King, Wang, Former, Horn, Youngsman, May, Kremen and Ferguson

Including middle and junior high school students in the mathematics, engineering, and science achievement program.

The bill was read the second time.

MOTIONS

On motion of Senator Saling, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 265, Laws of 1984 as amended by section 2, chapter 66, Laws of 1989 and RCW 28A.03.432 are each amended to read as follows:

A program to increase the number of people from groups underrepresented in the fields of mathematics, engineering, and the physical sciences in this state shall be established by the University of Washington. The program shall be administered through the University of Washington and designed to:

(1) Encourage students in the targeted groups in the common schools, with a particular emphasis on those students in middle and junior high schools and the ((ninth)) sixth through twelfth grades, to acquire the academic skills needed to study mathematics, engineering, or related sciences at an institution of higher education;

(2) Promote the awareness of career opportunities including the career opportunities of teaching in the fields of science and mathematics and the skills necessary to achieve those opportunities among students sufficiently early in their educational careers to permit and encourage the students to acquire the skills;

(3) Promote cooperation among institutions of higher education, the superintendent of public instruction and local school districts in working towards the goals of the program; and

(4) Solicit contributions of time and resources from public and private institutions of higher education, high schools, middle and junior high schools, and private business and industry.

NEW SECTION, Sec. 2. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void."

On motion of Senator Saling, the following title amendment was adopted:

On page 1, line 1 of the title, after "opportunities;" strike the remainder of the title and insert "amending RCW 28A.03.432; and creating a new section."

MOTION

On motion of Senator Saling, Engrossed House Bill No. 2413, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2413, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2413, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Sellar - 1.

Excused: Senator Bluechel - 1.

ENGROSSED HOUSE BILL NO. 2413, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2441, by Representatives Jacobsen, Miller, Rector, Van Luvén, Dellwo, Spanel, Anderson, Pruitt, Wood, Doty and Ferguson

Convening a task force on disabled students in higher education.

The bill was read the second time.

MOTION

On motion of Senator Saling, Engrossed House Bill No. 2441 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2441.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2441 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senators McCaslin, Metcalf - 2.

Excused: Senator Bluechel - 1.

ENGROSSED HOUSE BILL NO. 2441, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2626, by Representatives Wang, Betrozoff, Peery, Walker, Holland, G. Fisher, Ebersole, Rasmussen, Phillips, Horn, Pruitt, Dorn, Valle, Jones, K. Wilson, Cole, P. King, Brumsickle, Winsley, Rector, Ferguson, Nealey, Fraser, D. Sommers, Moyer and Spanel

Giving high school credit for high school courses taken in the seventh and eighth grades.

The bill was read the second time.

MOTION

Senator Bailey moved that the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1, Section 6, chapter 278, Laws of 1984 as last amended by section 1, chapter 172, Laws of 1988 and RCW 28A.05.060 are each amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students who commence the ninth grade subsequent to July 1, 1985, that meet or exceed the following:

| SUBJECT | CREDITS |
|---|---------|
| English | 3 |
| Mathematics | 2 |
| Social Studies | |
| United States history and government | 1 |
| Washington state history and government | 1/2 |
| Contemporary world history, geography, and problems | 1 |
| Science (1 credit must be in laboratory science) | 2 |
| Occupational Education | 1 |
| Physical Education | 2 |
| Electives | 5 1/2 |
| Total | 18 |

(2) For the purposes of this section one credit is equivalent to one year of study.

(3) The Washington state history and government requirement may be fulfilled by students in grades seven or eight or both. Students who have completed the Washington state history and government requirement in grades seven or eight or both shall be considered to have fulfilled the Washington state history and government requirement.

(4) A candidate for graduation must have in addition earned a minimum of 18 credits including all required courses. These credits shall consist of the state requirements listed above and such additional requirements and electives as shall be established by each district.

(5) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically re-evaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(6) Pursuant to any foreign language requirement established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in sign language shall be considered to have satisfied the state or local school district foreign language graduation requirement.

(7) If requested by the student and his or her family, a student:

(a) Who has completed high school courses while in seventh and eighth grade that were taken with high school students; and

(b) Who has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class

shall be given high school credit. The credit shall be applied to fulfilling high school graduation requirements. The course shall be reported on the student's high school transcript. Students who have taken and successfully completed high school courses under these circumstances shall not be required to take an additional competency examination or perform any other additional assignment to receive credit. This subsection shall apply to students currently enrolled in high school and who took the courses while they were in seventh and eighth grade.

NEW SECTION. Sec. 2. As used in sections 2 through 10 of this act, community college means a public community college as defined in chapter 28B.50 RCW.

NEW SECTION. Sec. 3. (1) Eleventh and twelfth grade students or students who have not yet received a high school diploma or its equivalent and are eligible to be in the eleventh or twelfth grades may apply to a community college to enroll in courses or programs offered by the community college. If a community college accepts a secondary school pupil for enrollment under this section, the community college shall send written notice to the pupil, the pupil's school district, and the superintendent of public instruction within ten days of acceptance. The notice shall indicate the course and hours of enrollment for that pupil.

(2) If a pupil enrolls in a course for high school credit, the pupil's school district shall transmit to the community college a sum not exceeding the amount of state funds under RCW 28A-41.140 generated by a full time equivalent student in proportion to the number of hours of instruction the pupil receives at the community college. The community college shall not require the pupil to pay any other fees. The funds received by the community college from the school district shall not be deemed tuition or operating fees and may be retained by the community college. A student enrolled under this subsection shall not be counted for the purpose of determining any enrollment restrictions imposed by the state.

NEW SECTION. Sec. 4. By March of each year, a school district shall provide general information about the program to all pupils in grades ten and eleven and the parents and guardians of those pupils. To assist the district in planning, a pupil shall inform the district by May 1st of each year of the pupil's intent to enroll in community college courses for high school credit

during the following school year. Students are responsible for applying for admission to the community college.

NEW SECTION. Sec. 5. A pupil who enrolls in a community college in grade eleven may not enroll in postsecondary courses under sections 2 through 10 of this act for high school credit for more than the equivalent of the course work for two academic years. A pupil who first enrolls in a community college in grade twelve may not enroll in postsecondary courses under this section for high school credit for more than the equivalent of the course work for one academic year.

NEW SECTION. Sec. 6. Community colleges shall enroll eleventh and twelfth grade students taking courses for high school credit on a space available basis. Once a pupil has been enrolled in a postsecondary course under this section, the pupil shall not be displaced by another student.

NEW SECTION. Sec. 7. A school district shall grant academic credit to a pupil enrolled in a course for high school credit if the pupil successfully completes the course. If no comparable course is offered by the school district, the school district superintendent shall determine how many credits to award for the course. The determination shall be made in writing before the pupil enrolls in the course. The credits shall be applied toward graduation requirements and subject area requirements. Evidence of the successful completion of each course in a community college shall be included in the pupil's secondary school records and transcript. The transcript shall also note that the course was taken at a community college.

NEW SECTION. Sec. 8. Any state institution of higher education may award postsecondary credit for courses successfully completed for high school credit at a community college. The state institution of higher education shall not charge a fee for the award of the credits.

NEW SECTION. Sec. 9. Transportation to and from the community college is not the responsibility of the school district.

NEW SECTION. Sec. 10. (1) The superintendent of public instruction, the state board for community college education, and the higher education coordinating board shall jointly develop and adopt rules governing sections 2 through 9 of this act, if rules are necessary. The rules shall be written to encourage the maximum use of the program and shall not narrow or limit the enrollment options under sections 2 through 9 of this act.

(2) The program in sections 2 through 9 of this act shall be implemented beginning with the 1991-92 school year.

NEW SECTION. Sec. 11. Sections 2 through 10 of this act are each added to Title 28A RCW.

NEW SECTION. Sec. 12. Sections 2 through 10 of this act may be implemented in up to three community college districts and three school districts during the 1990-91 school year. The three community college districts shall be selected from applicants by the state board for community college education. Sections 2 through 10 of this act are applicable throughout the state beginning with the 1991-92 school year.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

POINT OF ORDER

Senator Sutherland: "A point of order, Mr. President. I rise to request a ruling on the scope and object of the committee amendment. As you review the original proposal and the committee amendment, as we just heard Senator Bailey mention, that the committee amendment actually adds to and extends the scope of the bill, because it says that high school students can receive credit for attending a community college. The underlying bill just talks about seventh and eighth grade students and dealing with high school credits and that is, in fact, what the topic of the bill is."

Further debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Engrossed House Bill No. 2626 was deferred.

SECOND READING

HOUSE BILL NO. 2761, by Representatives Peery and Pruitt

Changing provisions relating to the Washington state school directors' association.

The bill was read the second time.

MOTIONS

On motion of Senator Bailey, the following Committee on Education amendments were considered simultaneously and were adopted:

On page 1, line 20, after "RCW 28A.58.310" insert "and to provide for the compensation of officers for each day during which the officer attends an official meeting of the association or performs prescribed duties approved by the board of directors of the association"

On page 1, line 22, strike "and association officers"

On motion of Senator Bailey, House Bill No. 2761, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2761, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2761, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent, 3; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senators Craswell, McDonald, Thorsness - 3.

Excused: Senator Bluechel - 1.

HOUSE BILL NO. 2761, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2831, by Committee on Higher Education (originally sponsored by Representatives Jacobsen, Van Luven, Ebersole, Kirby, Sayan, Rector, Anderson, Dellwo, Inslee, Prentice, Wang, Belcher, Sprenkle, Miller, Rayburn, Basich, P. King, Crane, Wineberry, Winsley, Ferguson, Leonard and Wood)

Establishing the American Indian endowed scholarship program.

The bill was read the second time.

MOTIONS

On motion of Senator Saling, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes the benefit to our state and nation of providing equal educational opportunities for all races and nationalities. The legislature finds that American Indian students are underrepresented in Washington's colleges and universities. The legislature also finds that past discriminatory practices have resulted in this underrepresentation. Creating an endowed scholarship program to help American Indian students obtain a higher education will help to rectify past discrimination by providing a means and an incentive for American Indian students to pursue a higher education. The state will benefit from contributions made by American Indians who participate in a program of higher education.

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

(1) "Institution of higher education" or "institution" means a college or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the higher education coordinating board.

(2) "Board" means the higher education coordinating board.

(3) "Eligible student" or "student" means an American Indian student as defined by the board in consultation with the advisory committee described in section 4 of this act, who is a financially needy student, as defined in RCW 28B.10.802, who is a resident student, as defined by RCW 28B.15.012(2), who is a full-time student at an institution of higher education, and who promises to use his or her education to benefit other American Indians.

NEW SECTION. Sec. 3. The American Indian endowed scholarship program is created. The program shall be administered by the higher education coordinating board. In administering the program, the board's powers and duties shall include but not be limited to:

(1) Selecting students to receive scholarships, with the assistance of a screening committee composed of persons involved in helping American Indian students to obtain a higher education. The membership of the committee may include, but is not limited to representatives of: Indian tribes, urban Indians, the governor's office of Indian affairs, the Washington state Indian education association, and institutions of higher education;

(2) Adopting necessary rules and guidelines;

(3) Publicizing the program;

(4) Accepting and depositing donations into the endowment fund created in section 7 of this act;

(5) Requesting and accepting from the state treasurer moneys earned from the trust fund and the endowment fund created in sections 6 and 7 of this act;

(6) Soliciting and accepting grants and donations from public and private sources for the program; and

(7) Naming scholarships in honor of those American Indians from Washington who have acted as role models.

NEW SECTION. Sec. 4. The higher education coordinating board shall establish an advisory committee to assist in program design and to develop criteria for the screening and selection of scholarship recipients. The committee shall be composed of representatives of the same groups as the screening committee described in section 3 of this act. These criteria shall include a priority for upper-division or graduate students. The criteria may include a priority for students who are majoring in program areas in which expertise is needed by the state's American Indians.

NEW SECTION. Sec. 5. The board may award scholarships to eligible students from moneys earned from the endowment fund created in section 7 of this act, or from funds appropriated to the board for this purpose, or from any private donations, or from any other funds given to the board for this program. For an undergraduate student, the amount of the scholarship shall not exceed the student's demonstrated financial need. For a graduate student, the amount of the scholarship shall not exceed the student's demonstrated need; or the stipend of a teaching assistant, including tuition, at the University of Washington; whichever is higher. In calculating a student's need, the board shall consider the student's costs for tuition, fees, books, supplies, transportation, room, board, personal expenses, and child care. The student's scholarship awarded under this chapter shall not exceed the amount received by a student attending a state research university. A student is eligible to receive a scholarship for a maximum of five years. However, the length of the scholarship shall be determined at the discretion of the board.

NEW SECTION. Sec. 6. The American Indian endowed scholarship trust fund is established. The trust fund shall be administered by the state treasurer. Funds appropriated by the legislature for the trust fund shall be deposited into the fund. All moneys deposited in the fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances of the trust fund shall be credited to the fund. At the request of the higher education coordinating board, and when conditions set forth in section 8 of this act are met, the treasurer shall deposit state matching moneys in the trust fund into the American Indian endowment fund. No appropriation is required for expenditures from the trust fund.

NEW SECTION. Sec. 7. The American Indian scholarship endowment fund is established. The endowment fund shall be administered by the state treasurer. Moneys received from the higher education coordinating board, private donations, state matching moneys, and funds received from any other source may be deposited into the endowment fund. All moneys deposited in the endowment fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances of the endowment fund shall be credited to the endowment fund. At the request of the higher education coordinating board, the treasurer shall release earnings from the endowment fund to the board for scholarships. No appropriation is required for expenditures from the endowment fund.

The principal of the endowment fund shall not be invaded. The earnings on the fund shall be used solely for the purposes set forth in section 5 of this act.

NEW SECTION. Sec. 8. The higher education coordinating board may request that the treasurer deposit five hundred thousand dollars of state matching funds into the American Indian scholarship endowment fund when the board can match the state funds with an equal amount of private cash donations. Private donations means moneys from nonstate sources that include, but are not limited to, federal moneys, tribal moneys, and assessments by commodity commissions authorized to conduct research activities, including but not limited to research studies authorized under RCW 15.66.030 and 15.65.040.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act shall constitute a new chapter in Title 28B RCW.

NEW SECTION. Sec. 10. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void.

On motion of Senator Saling, the following title amendment was adopted:

On page 1, line 2 of the title, after "scholarships;" strike the remainder of the title and insert "adding a new chapter to Title 28B RCW; and creating a new section."

MOTION

On motion of Senator Saling, Engrossed Substitute House Bill No. 2831, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2831, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2831, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Bluechel - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2831, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 28, 1990

Mr. President:

The Speaker has signed:

SENATE BILL NO. 6200,

SENATE BILL NO. 6210,

SENATE BILL NO. 6327,

SENATE BILL NO. 6354,

SUBSTITUTE SENATE BILL NO. 6463,

SUBSTITUTE SENATE BILL NO. 6531,

SENATE BILL NO. 6549,

SUBSTITUTE SENATE BILL NO. 6573,

SUBSTITUTE SENATE BILL NO. 6594,

SUBSTITUTE SENATE BILL NO. 6600,

SENATE JOINT MEMORIAL NO. 8020,

SENATE JOINT MEMORIAL NO. 8025, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING

SCR 8437 by Senators Patrick, Talmadge, Rasmussen, Vognild and Lee

Resolving to study the development of a wayport in Grant county and high-speed transportation.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8437 was advanced to second reading and read the second time.

On motion of Senator Patrick, the rules were suspended, Senate Concurrent Resolution No. 8437 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8437.

Senate Concurrent Resolution No. 8437 was adopted by voice vote.

MOTION

On motion of Senator Newhouse, the Senate advanced to the eighth order of business.

There being no objection, the Senate resumed consideration of Senate Resolution 1990-8743, deferred February 26, 1990.

MOTION

On motion of Senator Thorsness, and their being no objection, Senate Resolution 1990-8743 was withdrawn.

MOTION

Senator Thorsness moved that the following resolution be adopted:

SENATE RESOLUTION 1990-8745

by Senators Thorsness, Rasmussen, Madsen, Matson, McDonald, Owen, Metcalf, Saling, Nelson, Anderson, West, Sellar, Craswell, McCaslin, Cantu and Lee

WHEREAS, Over the past two hundred and fourteen years, our nation's flag has stood as a symbol of freedom and justice throughout the world; and

WHEREAS, The flag of the United States of America has stood, not just as a representation of a union of states, but as a symbol of the hopes and ideals of the American people and as a beacon of hope to enslaved people across the globe; and

WHEREAS, American forces, from Valley Forge to Iwo Jima, to the fields and valleys of Vietnam and the streets of Panama, have fought and died to protect everything that the Stars and Stripes stand for; and

WHEREAS, The flag is such a powerful part of the life of each American that the mere sight of it proudly flying after the bombardment of Fort McHenry inspired Francis Key to compose our national anthem; and

WHEREAS, From the sight of American marines raising the flag on Mt. Suribachi, to young John F. Kennedy, Jr., saluting the flag in his father's funeral procession, to Neil Armstrong and Edwin Aldrin saluting the Stars and Stripes on the moon, to the flag-draped coffin of every American veteran ever laid to rest, no symbol yet devised can more faithfully capture the love Americans have for their country; and

WHEREAS, United States District Judge Barbara Rothstein recently ruled that Americans must protect the right of persons to destroy our flag in order for it to "endure as a symbol of freedom"; and

WHEREAS, It is the firm conviction of the members of the Washington State Senate that neither our founding fathers, nor the drafters of the Bill of Rights ever envisioned that the desecration of our flag would be condoned or protected by the Constitution;

NOW, THEREFORE, BE IT RESOLVED, That in memory of the valiant men and women who throughout the history of this nation have given their lives in defense of the flag of the United States of America, the Washington State Senate hereby expresses its support of an amendment to the United States Constitution banning the destruction, desecration, mutilation, or burning of the flag.

Debate ensued.

Senator Nelson demanded a roll call.

Further debate ensued.

The President declared the question before the Senate to be the sustaining of the demand for a roll call on adoption of Senate Resolution 1990-8745.

POINT OF INQUIRY

Senator Talmadge: "Senator Thorsness, you are aware that the Congress of the United States has passed a statute that makes flag burning a crime?"

Senator Thorsness: "I am."

Senator Talmadge: "Do you believe that that statute is constitutional?"

Senator Thorsness: "I do."

Senator Talmadge: "You believe Judge Rothstein was wrong?"

Senator Thorsness: "I do."

Further debate ensued.

The demand for a roll call on Senate Resolution 1990-8745 was sustained.

MOTION

On motion of Senator Newhouse, all Senators desiring to be sponsors of Senate Resolution 1990-8745 should contact the Secretary of the Senate.

Further debate ensued.

Senators Newhouse, Thorsness and Nelson demanded the previous question and the demand was sustained.

Debate ensued.

POINT OF ORDER

Senator Vognild: "Mr. President, a point of order. I understand that the rules normally allow the maker of the motion to close it, but I also understand that the calling of the previous question stops all debate."

REPLY BY THE PRESIDENT

President Pritchard: "I really believe that Senator Vognild is right, but it is from my experience and not from the rules here. Wait a minute and we will check. Rule 36 reads, 'When sustained by a majority of Senators present, it shall preclude all debate, except the Senator who presents the motion may open and close debate on the question and the vote shall be immediately taken on the question or questions pending before the Senate,' so he is allowed to close debate. With that Senator Thorsness, you may close debate."

PARLIAMENTARY INQUIRY

Senator Wojahn: "Mr. President, a parliamentary inquiry. I would like to ask a question of the speaker. Am I going to be permitted to do that?"

REPLY BY THE PRESIDENT

President Pritchard: "During his closing remarks, if you will rise, he will recognize you and allow you a question. I am sure he would do that. Wouldn't you, Senator?"

REMARKS BY SENATOR THORSNESS

Senator Thorsness: "Do I now have a choice? Senator Wojahn, would you like to ask me a question?"

POINT OF INQUIRY

Senator Wojahn: "Yes I would, Senator Thorsness, and I would just like to ask it before you made your closing statement, but if you would prefer, I would wait. I am really in a quandary, because I had always been taught that if you are going to dispose of tattered ends of the flag that the only way that you could dispose of it was by burning it--that you have to burn it, that you can't throw it in the garbage, you can't tear it up, you are suppose to burn it. So if you are suppose to burn the flag that is no longer usable and you are replacing it with another one, how are you going to do that if you send this resolution and insist that Congress pass a Constitutional Amendment? I am confused and I need an answer."

Senator Thorsness: "I believe, Senator, that the first thing that you do is cut the field off and then there is a specific ceremony when burning the flag and there is a procedure for that and I can get that for you and distribute to you and other members, so if this happens we will be sure we do it right."

Senator Thorsness closed debate on the adoption of Senate Resolution 1990-8745.

The President declared the question before the Senate to be the roll call on the final adoption of Senate Resolution 1990-8745.

ROLL CALL

The Secretary called the roll and Senate Resolution 1990-8745 was adopted by the following vote: Yeas, 35; nays, 13; absent, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, von Reichbauer, Warnke, West - 35.

Voting nay: Senators DeJarnatt, Fleming, Gaspard, Kreidler, McMullen, Moore, Murray, Niemi, Rinehart, Talmadge, Vognild, Williams, Wojahn - 13.

Absent: Senator Patrick - 1.

There being no objection, the President returned the Senate to the fourth order of business.

There being no objection, the Senate resumed consideration of the Message from the House of Representatives, read in earlier today, stating that the House had passed Substitute Senate Bill No. 6407 with amendments.

MOTION

Senator Newhouse moved that the Senate do not concur in the House amendments to Substitute Senate Bill No. 6407 and requests of the House a conference thereon.

MOTION

Senator Vognild moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 6407.

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, a point of parliamentary inquiry. What is the motion before us?"

REPLY BY THE PRESIDENT

President Pritchard: "The motion before us is the motion to concur with the House amendments to Substitute Senate Bill No. 6407."

Further debate ensued.

Senator Vognild demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the positive motion by Senator Vognild that the Senate do concur in the House amendments to Substitute Senate Bill No. 6407.

ROLL CALL

The Secretary called the roll and the motion to concur in the House amendments to Substitute Senate Bill No. 6407 failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patrick, Patterson, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 25.

The President declared the question before the Senate to be the motion by Senator Newhouse that the Senate do not concur in the House amendments to Substitute Senate Bill No. 6407 and requests of the House a conference thereon.

The motion by Senator Newhouse carried and the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 6407 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 6407 and the House amendments thereto: Senators McDonald, Gaspard and Cantu.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MOTION

At 3:40 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Thursday, March 1, 1990.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FIFTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 1, 1990

The Senate was called to order at 9:00 a.m. by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Craswell, Fleming, Hayner, Matson, McCaslin and Wojahn. On motion of Senator Warnke, Senators Fleming and Wojahn were excused. On motion of Senator Anderson, Senators Craswell and McCaslin were excused.

The Sergeant at Arms Color Guard, consisting of Pages Vanessa Anderson and Leah Rorden, presented the Colors. Reverend Gary Fogelquist, pastor of the Lacey Seventh-Day Adventist Church, offered the prayer.

MOTION

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

MOMENT OF SILENCE

The Senate stood for a moment of silence in memory of Representative Glyn Chandler.

REPORT OF STANDING COMMITTEE

February 27, 1990

SB 6417 Prime Sponsor, Senator McDonald: Adopting the supplemental capital budget. Reported by Committee on Ways and Means
Referred to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 6417 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Matson, Newhouse, Niemi, Saling, Wojahn.

Referred to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 28, 1990

GA 9001 JULIE VRAVES ANDERSON, reappointed July 1, 1989, for a term ending June 30, 1994, as a member of the Gambling Commission.
Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Lee, Chairman; McDonald, McMullen, Matson, Saling, Warnke, Williams.

Passed to Committee on Rules.

February 28, 1990

GA 9138 FRANK E. FENNERTY, reappointed June 18, 1989, for a term ending June 17, 1995, as a member of the Board of Industrial Insurance Appeals.
Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Lee, Chairman; McDonald, McMullen, Matson, Saling, Warnke, Williams.

Passed to Committee on Rules.

February 28, 1990

GA 9212 JANET L. GAUNT, appointed November 17, 1989, for a term ending September 8, 1990, as Chair of the Public Employment Relations Commission.
Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Lee, Chairman; McDonald, McMullen, Matson, Murray, Saling, Warnke, Williams.

Passed to Committee on Rules.

February 28, 1990

GA 9213 JOSEPH F. QUINN, reappointed November 17, 1989, for a term ending September 8, 1994, as a member of the Public Employment Relations Commission.
Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Lee, Chairman; McDonald, McMullen, Matson, Murray, Saling, Warnke, Williams.

Passed to Committee on Rules.

February 28, 1990

GA 9231 JEANNE COBB, appointed January 3, 1990, for a term ending October 25, 1995, as a member of the Small Business Export Financial Assistance Center Board of Directors.
Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Lee, Chairman; McMullen, Murray, Saling, Warnke, Williams.

Passed to Committee on Rules.

February 28, 1990

GA 9232 D. G. HENDRICKS, reappointed January 3, 1990, for a term ending October 25, 1995, as a member of the Small Business Export Financial Assistance Center Board of Directors.
Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Lee, Chairman; McDonald, McMullen, Matson, Murray, Saling, Warnke, Williams.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

February 28, 1990

Mr. President:

The House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2482 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

February 28, 1990

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8437, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8437.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9187, Constance W. Rice, as a member of the Board of Trustees for The Evergreen State College, was confirmed.

APPOINTMENT OF CONSTANCE W. RICE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 43.

Absent: Senators Hayner, Matson - 2.

Excused: Senators Craswell, Fleming, McCaslin, Wojahn - 4.

SECOND READING

HOUSE BILL NO. 2959, by Representatives Bennett, Dorn, Pruitt, Brumsickle and G. Fisher

Authorizing school districts to require health insurance for students participating in extracurricular activities.

The bill was read the second time.

MOTIONS

On motion of Senator Bailey, the following Committee on Education amendment was adopted:

On page 1, line 29, after "district," strike all material down to and including "premiums" on page 2, line 7, and insert "The school district board of directors may require any student participating in extracurricular interschool activities to, as a condition of participation, document evidence of insurance or purchase insurance that will provide adequate coverage, as determined by the school district board of directors, for medical expenses incurred as a result of injury sustained while participating in the extracurricular activity. In establishing such a requirement, the district shall adopt regulations for waiving or reducing the premiums of such coverage as may be offered through the school district to students participating in extracurricular activities, for those students whose families, by reason of their low income, would have difficulty paying the entire amount of such insurance premiums"

Senator Moore moved that the following amendment by Senators Fleming and Moore be adopted:

On page 2, line 7, after "," insert "The district board shall adopt regulations for waiving or reducing the insurance coverage requirements for low-income students in order to assure such students are not prohibited from participating in extracurricular interschool activities."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Fleming and Moore on page 2, line 7, to House Bill No. 2959.

The motion by Senator Moore carried and the amendment was adopted.

MOTION

On motion of Senator Bailey, House Bill No. 2959, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Anderson, Senators Hayner and Matson were excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2959, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2959, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Gaspard, Hansen, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Craswell, Fleming, Hayner, Matson - 4.

HOUSE BILL NO. 2959, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2999, by Committee on Higher Education (originally sponsored by Representatives Jacobsen, Locke, H. Sommers, Ebersole, Miller, Prince, S. Wilson, Holland, Rector, Winsley, Crane, Basich, Wineberry, Ferguson, Bennett, Spanel and O'Brien) (by request of State Board for Community College Education)

Revising provisions for compensation for community college officers and employees.

The bill was read the second time.

MOTION

On motion of Senator Saling, Substitute House Bill No. 2999 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Saling, is this a step toward providing housing for community college presidents? The universities have houses and I understand Olander wouldn't leave Evergreen, because he has a house out there that was better than anything he could get in Montana. Would this allow them to purchase housing on the shorelines so they could have the proper residency that would impress the students?"

Senator Saling: "I don't believe they can purchase housing with this bill at all, because it limits the amount or salary or compensation to that provided by the Legislature in overall salary increases, so it would not allow housing."

Senator Rasmussen: "That relieves me considerably."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2999.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2999 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Craswell, Matson - 2.

SUBSTITUTE HOUSE BILL NO. 2999, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Smith, Senator Anderson was excused.

SECOND READING

HOUSE BILL NO. 2253, by Representatives Spanel, Jacobsen, Wineberry, Wang, Prénice, Vekich, Braddock and Brekke

Repealing exemption from the state minimum wage for students at institutions of higher education.

The bill was read the second time.

MOTION

On motion of Senator Lee, House Bill No. 2253 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2253.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2253 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Anderson, Craswell - 2.

HOUSE BILL NO. 2253, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2272, by Representatives Leonard, Padden, Todd, Winsley, Anderson, Nutley, Ballard, Rector, May, Inslee, Wolfe, Prentice, D. Sommers, Crane and Wood

Changing provisions relating to mobile home landlords.

The bill was read the second time.

MOTIONS

On motion of Senator Lee, the following amendment was adopted:

On page 4, line 9, after "RCW 62A.9-504," insert "The notice of default by a tenant must state the amount of rent and the amount and nature of any reasonable expenses that the secured party is liable for payment to the landlord. The notice must also state that the secured party will be provided a copy of the rental agreement previously signed by the tenant and the landlord upon request."

On motion of Senator Lee, House Bill No. 2272, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2272, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2272, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Smith - 1.

Excused: Senators Anderson, Craswell - 2.

HOUSE BILL NO. 2272, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2426, by Committee on Commerce and Labor (originally sponsored by Representatives Vekich, Walker, Chandler and Winsley) (by request of Employment Security Department)

Revising provisions for employer contributions for unemployment compensation.

The bill was read the second time.

MOTIONS

On motion of Senator Lee, the following Committee on Economic Development and Labor amendment was adopted:

On page 5, line 19, after "code is" insert "013," and after "018," insert "019,"

On motion of Senator Lee, Substitute House Bill No. 2426, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Bauer, Senators Kreidler and Talmadge were excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2426, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2426, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Craswell, Kreidler, Talmadge - 3.

SUBSTITUTE HOUSE BILL NO. 2426, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

March 1, 1990

Due to a conflicting meeting, I missed the vote on Substitute House Bill No. 2426, as amended by the Senate. I would have voted 'aye' on the bill.

SENATOR PHIL TALMADGE, 34th District

SECOND READING

HOUSE BILL NO. 2362, by Representatives R. King, Smith, Prentice, Walker, Vekich, Cole, Jones, Wang, Leonard, Basich, Rector, Winsley and Wolfe

Providing incentives for state agencies and institutions of higher education to participate in industrial insurance safety programs and return-to-work programs.

The bill was read the second time.

MOTION

On motion of Senator Lee, House Bill No. 2362 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2362.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2362 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Craswell, Kreidler - 2.

HOUSE BILL NO. 2362, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2485, by Representatives Rector, Vekich, Prentice, Leonard, Jones and Dellwo

Qualifying as a self-insurer of industrial insurance.

The bill was read the second time.

MOTION

On motion of Senator Lee, House Bill No. 2485 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2485.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2485 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Smith - 1.

Excused: Senators Craswell, Kreidler - 2.

HOUSE BILL NO. 2485, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2861, by Committee on Housing (originally sponsored by Representatives Leonard, Winsley, Ferguson, Padden, Nutley, Cooper, Rector, Horn, Anderson, R. Meyers, Inslee, Ballard and Todd)

Transferring the responsibilities for the regulation of manufactured housing.

The bill was read the second time.

MOTIONS

On motion of Senator Lee, the following Committee on Economic Development and Labor amendment was adopted:

On page 3, line 4, after "development" strike all text through line 11 and insert "as required by this act. The report shall be prepared in consultation with local governments. The report shall include a review of the advantages and disadvantages of transferring other mobile home-related functions to the department of community development and make recommendations based on this review regarding such transfer. The report's review shall include the inspection functions performed by the department of labor and industries, inspections pertaining to woodstove and fireplace installation and alterations, and training of local inspectors."

On motion of Senator Lee, Substitute House Bill No. 2861, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2861, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2861, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Paterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senators Hayner, Madsen - 2.

Excused: Senator Craswell - 1.

SUBSTITUTE HOUSE BILL NO. 2861, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore returned the Senate to the first order of business.

REPORT OF STANDING COMMITTEE

February 28, 1990

ESHB 2929 Prime Sponsor, Committee on Appropriations: Enacting comprehensive growth planning provisions. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Thorsness, Vice Chairman; DeJarnatt, Patrick, Sutherland.

Referred to Committee on Rules for second reading.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2403, by Committee on State Government (originally sponsored by Representatives Rector, Ballard, Peery, Silver, Heavey, Dellwo, Jacobsen, Nelson, Hankins, Miller, H. Sommers, Kirby, Winsley, McLean, Todd, H. Myers and Jones)

Adding video telecommunication responsibilities to the department of information services.

The bill was read the second time.

MOTION

Senator Thorsness moved that the following Committee on Governmental Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 504, Laws of 1987 and RCW 43.105.005 are each amended to read as follows:

It is ~~(the)~~ a purpose of this chapter to provide for coordinated planning and management of state information services. The legislature recognizes that information systems, telecommunications, equipment, software, and services must satisfy the needs of end users and that many appropriate and cost-effective alternatives exist for meeting these needs, such as shared mainframe computing, shared voice, data, and video telecommunications services, local area networks, departmental minicomputers, and microcomputers.

Sec. 2. Section 2, chapter 504, Laws of 1987 and RCW 43.105.017 are each amended to read as follows:

It is the intent of the legislature that:

(1) State government use voice, data, and video telecommunications technologies to:

(a) Transmit and increase access to live, interactive classroom instruction and training;

(b) Provide for interactive public affairs presentations, including a public forum for state and local issues;

(c) Facilitate communications and exchange of information among state and local elected officials and the general public;

(d) Enhance state-wide communications within state agencies; and

(e) Through the use of telecommunications, reduce time lost due to travel to in-state meetings;

(2) Information be shared and administered in a coordinated manner, except when prevented by agency responsibilities for security, privacy, or confidentiality;

~~((2))~~ (3) The primary responsibility for the management and use of information, information systems, telecommunications, equipment, software, and services rests with each agency;

~~((3))~~ (4) Resources be used in the most efficient manner and services be shared when cost-effective;

~~((4))~~ (5) A structure be created ~~((a))~~ to:

(a) Plan and manage telecommunications and computing networks~~((:))~~;

(b) ~~((to))~~ Increase agencies' awareness of information sharing opportunities~~((:))~~; and

(c) ~~((to))~~ Assist agencies in implementing such possibilities;

~~((5))~~ (6) An acquisition process for equipment, proprietary software, and related services be established that meets the needs of the users, considers the exchange of information, and promotes fair and open competition;

~~((6))~~ (7) The state improve recruitment, retention, and training of professional staff; ~~((and))~~

~~((7))~~ (8) Plans, proposals, and acquisitions for information services be reviewed from a financial and management perspective as part of the budget process; and

(9) State government adopt policies and procedures that maximize the use of existing video telecommunications facilities, equipment, and resources.

Sec. 3. Section 5, chapter 219, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 504, Laws of 1987 and RCW 43.105.032 are each amended to read as follows:

(1) There is hereby created the Washington state information services board. The board shall be ~~((composed))~~ comprised of ~~((nine))~~ the members~~((: Seven members shall be appointed by the governor, and serving at the governor's pleasure as follows: Three representatives from cabinet agencies, one representative from higher education, one representative from a noncabinet executive agency, and two representatives from the private sector. One member shall represent the judicial branch and be appointed by the chief justice of the supreme court. One member shall represent the legislative branch and shall be selected by the president of the senate and the speaker of the house of representatives))~~ identified under section 4 of this 1990 act.

~~((These))~~ (2) The members under section 4 of this 1990 act shall constitute the membership of the board with full voting rights. ((The director shall be an ex officio, nonvoting member of the board.)) The board shall select a chairperson from among its members. A majority of the members of the board shall constitute a quorum for the transaction of business.

(3) Vacancies shall be filled in the same manner ~~((that the original appointments were made))~~ as provided for under RCW 43.105.041.

~~((A majority of the members of the board shall constitute a quorum for the transaction of business.))~~

(4) Members of the board shall be compensated for service on the board in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 4. A new section is added to chapter 43.105 RCW to read as follows:

The members of the information services board established under RCW 43.105.032 shall include:

(1) The chief executive officer from four cabinet agencies, appointed by the governor, one of whom shall be the director of the department of information services;

(2) The superintendent of public instruction;

(3) The executive director of the higher education coordinating board;

(4) The executive director of the state board for community college education;

(5) Two members appointed by the governor to represent the private sector;

(6) One member appointed by the chief justice of the state supreme court to represent the judicial branch;

(7) One member appointed by the governor to represent public, noncommercial broadcasting stations federally licensed to serve local authorities; and

(8) Two members representing the legislative branch. One legislator shall be appointed by the president of the senate. One legislator shall be appointed by the speaker of the house of representatives.

Sec. 5. Section 6, chapter 219, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 504, Laws of 1987 and RCW 43.105.041 are each amended to read as follows:

The board shall have the following powers and duties related to information services:

(1) To develop standards governing the acquisition and disposition of equipment, proprietary software and purchased services, and confidentiality of computerized data;

(2) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services: PROVIDED, That, agencies and institutions of state government are expressly prohibited from acquiring or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of equipment, proprietary

software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200. This subsection does not apply to the legislative branch:

(3) To develop state-wide or interagency technical policies, standards, and procedures;

(4) To assure the cost-effective development and incremental implementation of a state-wide video telecommunications system to serve: Public schools; educational service districts; vocational-technical institutes; community colleges; colleges and universities; state and local government; and the general public through public affairs programming;

(5) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary(??);

((f)) (6) To develop and implement a process for the resolution of appeals by:

(a) ((By)) Vendors concerning the conduct of an acquisition process by an agency or the department; or

(b) ((By)) A customer agency concerning the provision of services by the department or by other state agency providers;

((f)) (7) To establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:

(a) Planning, management, control, and use of information services;

(b) Training and education; and

(c) Project management;

((f)) (8) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director;

((f)) (9) To review and approve that portion of the department's budget requests that provides for support to the board; and

((f)) (10) To abolish the use of service center designations and establish necessary policies and standards to allow Washington State University and the department of transportation to continue the practice of providing information services to other agencies and local governments.

Sec. 6. Section 8, chapter 504, Laws of 1987 and RCW 43.105.052 are each amended to read as follows:

The department shall:

(1) Perform all duties and responsibilities the board delegates to the department, including but not limited to:

(a) The review of agency acquisition plans and requests; and

(b) Implementation of state-wide and interagency policies, standards, and guidelines;

(2) Make available information services to state agencies and local governments on a full cost-recovery basis. These services may include, but are not limited to:

(a) Telecommunications services for voice, data, and video;

(b) Mainframe computing services;

(c) Support for departmental and microcomputer evaluation, installation, and use;

(d) Equipment acquisition assistance, including leasing, brokering, and establishing master contracts;

(e) Facilities management services for information technology equipment, equipment repair, and maintenance service;

(f) Negotiate with local cable companies and local governments to provide for connection to local cable services to allow for access to these public and educational channels in the state;

(g) Office automation services;

(h) System development services; and

(i) Training.

These services are for discretionary use by customers and customers may elect other alternatives for service if those alternatives are more cost-effective or provide better service. Agencies may be required to use the backbone network portions of the telecommunications services during an initial start-up period not to exceed three years:

(3) Establish rates and fees for services provided by the department to assure that the services component of the department is self-supporting. A billing rate plan shall be developed for a two-year period to coincide with the budgeting process. The rate plan shall be subject to review at least annually by the customer oversight committees. The rate plan shall show the proposed rates by each cost center and will show the components of the rate structure as mutually determined by the department and the customer oversight committees. The same rate structure will apply to all user agencies of each cost center. The rate plan and any adjustments to rates shall be approved by the office of financial management. The services component shall not subsidize the operations of the planning component:

(4) With the advice of the information services board and agencies, develop and publish state-wide goals and objectives at least biennially;

(5) Develop plans for the department's achievement of state-wide goals and objectives. These plans shall address such services as telecommunications, central and distributed computing, local area networks, office automation, and end user computing. The department shall

seek the advice of customer oversight committees and the board in the development of these plans:

(6) Under direction of the information services board and in collaboration with the department of personnel, the higher education personnel board, and other agencies as may be appropriate, develop training plans and coordinate training programs that are responsive to the needs of agencies~~(in collaboration with the department of personnel and the higher education personnel board)~~;

(7) Identify opportunities for the effective use of information services and coordinate appropriate responses to those opportunities;

(8) Assess agencies' projects, acquisitions, plans, or overall information processing performance as requested by the board, agencies, the director of financial management, or the legislature. Agencies may be required to reimburse the department for agency-requested reviews;

(9) Develop planning, budgeting, and expenditure reporting requirements, in conjunction with the office of financial management, for agencies to follow;

(10) Assist the office of financial management with budgetary and policy review of agency plans for information services:

(11) Provide staff support from the planning component to the board for:

(a) Meeting preparation, notices, and minutes;

(b) Promulgation of policies, standards, and guidelines adopted by the board;

(c) Supervision of studies and reports requested by the board;

(d) Conducting reviews and assessments as directed by the board; and

(12) Perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

NEW SECTION. Sec. 7. A new section is added to Title 28A RCW to read as follows:

The office of the superintendent of public instruction shall provide state-wide coordination of video telecommunications programming for the common schools.

NEW SECTION. Sec. 8. A new section is added to chapter 28B.80 RCW to read as follows:

The higher education coordinating board shall provide state-wide coordination of video telecommunications programming for the public four-year higher education institutions.

NEW SECTION. Sec. 9. A new section is added to chapter 28B.50 RCW to read as follows:

The state board for community college education shall provide state-wide coordination of video telecommunications programming for the community college system.

NEW SECTION. Sec. 10. (1) The information services board shall develop and submit to the legislature and the governor by December 1, 1990, a plan for the cost-effective, incremental implementation of a coordinated state-wide video telecommunications system.

(2) The plan shall include:

(a) A review of the findings and recommendations of prior telecommunications studies conducted by the superintendent of public instruction, the higher education coordinating board, the state board for community college education, and the departments of information services and community development;

(b) A description of the strengths and weaknesses of the current system;

(c) Recommended system concepts and directions, including a strategic direction for state video telecommunications;

(d) Coordinated roles, responsibilities, and interrelationships among agencies;

(e) Policies and procedures for video telecommunications equipment and services; and

(f) Cost estimates by order of magnitude.

NEW SECTION. Sec. 11. A new section is added to Title 28A RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply to section 12 of this act:

(1) "Commercial promotional activity" means an activity designed to induce the purchase of a particular product or service by students, or to extol the benefits of a product or service to students to make its purchase more attractive, that is conveyed to students electronically through such media as television, videodiscs, computer programs, and video cassette recorders.

(2) "Commercial sponsorship" means the sponsorship or the underwriting of an activity on school premises that does not involve the commercial promotion of a particular product or service.

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

(1) A school district board of directors may not enter into a contract or agreement that permits commercial promotional activity on school premises if such contract or agreement limits or impairs the board's authority and responsibility, or the authority and responsibility of district administrators and teachers, to determine the materials to be presented to students during the school day or to determine the times during the school day when materials will be presented to students.

(2) A school district board of directors may not enter into a contract or agreement under which students are regularly required to observe, listen to, or read commercial promotional activities.

(3) A contract or agreement that permits commercial promotional activities that was entered into by a school district board of directors before the effective date of this section shall not be renewed by the board.

(4) A school district is not prohibited from offering students the regular study of commercial advertising as an academic subject.

(5) Nothing in this section prohibits commercial sponsorship of school activities.

NEW SECTION, Sec. 13. A new section is added to chapter 43.105 RCW to read as follows: The department of information services and the information services board, respectively, shall adopt rules as necessary under chapter 34.05 RCW to implement the provisions of RCW 43.105.005, 43.105.017, 43.105.032, 43.105.041, 43.105.052, and sections 4 and 10 of this act.

NEW SECTION, Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 2403 was deferred.

MOTION

On motion of Senator Bender, Senator Madsen was excused.

SECOND READING

SENATE BILL NO. 6408, by Senators Patterson, Bender, Thorsness, Hansen and Talmadge (by request of Governor Gardner)

Adopting the supplemental transportation budget.

The bill was read the second time.

MOTION

Senator Metcalf moved that the following amendment by Senators Metcalf, Kreidler and Bailey be adopted:

On page 7, line 19, after "1991," insert "(2) The transportation commission shall not permit the sale or use of alcoholic beverages on the Washington state ferry system."

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Metcalf, Kreidler and Bailey on page 7, line 19, to Senate Bill No. 6408.

The motion by Senator Metcalf failed and the amendment was not adopted on a rising vote.

MOTION

On motion of Senator Patterson, Senate Bill No. 6408 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Patterson, at the present time, this is a no tax budget?"

Senator Patterson: "This budget utilizes additional revenue of one hundred and fifty-one million dollars, if the Governor's package of taxes for transportation passes this session. Now, you understand if it doesn't pass, then, in conference, we have to rip out a lot of the dollars that are in here for all the projects that the Governor asked us to support. It all depends upon whether or not we have a transportation funding package out of this session. Otherwise, we will have to go back and make certain adjustments as to what we will spend in current revenue available to us in this budget."

Senator Rasmussen: "Well, the reason I asked that question is that there was a thirty million dollar surplus that they weren't using which could be used for the walk-on ferries, but it had not been appropriated previously. Then, in looking at the last report which came in yesterday, there were certain projections where they were underspending what they estimated, so there is more money available to shift on projects."

Senator Patterson: "But, those decisions will be made once we know whether there is an additional one hundred and fifty-one million dollars made available."

Senator Rasmussen: "The people in my district have not asked for new taxes and that is why I asked you if this would be a no tax budget, but just shifting of funds in the end?"

Senator Patterson: "Right now, this is a no tax budget in the event we do not pass additional revenues, Senator."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6408.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6408 and the bill passed the Senate by the following vote: Yeas, 29; nays, 18; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, DeJarnatt, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McCaslin, McDonald, McMullen, Murray, Nelson, Patrick, Patterson, Sellar, Talmadge, Thorsness, Vognoild, von Reichbauer, Warnke, West - 29.

Voting nay: Senators Amondson, Cantu, Fleming, Gaspard, Metcalf, Moore, Newhouse, Niemi, Owen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Williams, Wojahn - 18.

Excused: Senators Craswell, Madsen - 2.

SENATE BILL NO. 6408, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:30 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 10:45 a.m. by President Pritchard.

There being no objection, the President reverted the Senate to the third order of business.

MESSAGE FROM GOVERNOR PARTIAL VETO OF SECOND SUBSTITUTE SENATE BILL NO. 6259

February 28, 1990

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1202, Second Substitute Senate Bill No. 6259, entitled:

"AN ACT Relating to criminal offenders."

Second Substitute Senate Bill No. 6259 is among the most significant legislation enacted in Washington State. Stemming from brutally violent crimes that recently rocked our state, this measure represents a comprehensive, balanced, and effective approach to addressing sexual violence in our communities.

In order to ensure that careful deliberation was given to changes in the state's criminal justice system's response to violent predatory crimes, I authorized the creation of the Governor's Task Force on Community Protection. The Task Force was able to reach broad agreement on the elements of this bill by listening not only to professionals who work with offenders and victims, but also to citizens around the state who had been touched by crime.

One of the Task Force's recommendations was the creation of a crime victims' advocate with programmatic responsibilities within the Department of Community Development. Section 1202 places the crime victims' advocate within the Governor's Office. A grant program is created separately within the Department of Community Development.

I endorse the creation of a crime victims' advocate to review and coordinate victim's programs. To prevent fragmentation, however, I believe the position should be located in an agency with program responsibilities.

For these reasons, I am vetoing section 1202 of Second Substitute Senate Bill No. 6259. In concert with this veto, I am promulgating an Executive Order establishing

the office of crime victims' advocacy within the Department of Community Development.

Respectfully submitted,
BOOTH GARDNER, Governor

There being no objection, the President advanced the Senate to the sixth order of business.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 2403 and the pending Committee on Governmental Operations striking amendment, deferred earlier today.

MOTION

On motion of Senator Thorsness, and there being no objection, the Committee on Governmental Operations striking amendment was withdrawn.

MOTIONS

Senator Thorsness moved that the following amendment by Senators Thorsness, Gaspard and Madsen be adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 504, Laws of 1987 and RCW 43.105.005 are each amended to read as follows:

It is ~~((the))~~ a purpose of this chapter to provide for coordinated planning and management of state information services. The legislature recognizes that information systems, telecommunications, equipment, software, and services must satisfy the needs of end users and that many appropriate and cost-effective alternatives exist for meeting these needs, such as shared mainframe computing, shared voice, data, and video telecommunications services, local area networks, departmental minicomputers, and microcomputers.

Sec. 2. Section 2, chapter 504, Laws of 1987 and RCW 43.105.017 are each amended to read as follows:

It is the intent of the legislature that:

- (1) State government use voice, data, and video telecommunications technologies to:
 - (a) Transmit and increase access to live, interactive classroom instruction and training;
 - (b) Provide for interactive public affairs presentations, including a public forum for state and local issues;
 - (c) Facilitate communications and exchange of information among state and local elected officials and the general public;
 - (d) Enhance state-wide communications within state agencies; and
 - (e) Through the use of telecommunications, reduce time lost due to travel to in-state d meetings;

(2) Information be shared and administered in a coordinated manner, except when prevented by agency responsibilities for security, privacy, or confidentiality;

~~((2))~~ (3) The primary responsibility for the management and use of information, information systems, telecommunications, equipment, software, and services rests with each agency;

~~((3))~~ (4) Resources be used in the most efficient manner and services be shared when cost-effective;

~~((4))~~ (5) A structure be created ~~((a))~~ to:

(a) Plan and manage telecommunications and computing networks~~((:));~~

(b) ~~((to))~~ Increase agencies' awareness of information sharing opportunities~~((:));~~ and

(c) ~~((to))~~ Assist agencies in implementing such possibilities;

~~((5))~~ (6) An acquisition process for equipment, proprietary software, and related services be established that meets the needs of the users, considers the exchange of information, and promotes fair and open competition;

~~((6))~~ (7) The state improve recruitment, retention, and training of professional staff; ~~((and))~~

~~((7))~~ (8) Plans, proposals, and acquisitions for information services be reviewed from a financial and management perspective as part of the budget process; and

(9) State government adopt policies and procedures that maximize the use of existing video telecommunications resources, coordinate and develop video telecommunications in a manner that is cost-effective and encourages shared use, and ensure the appropriate use of video telecommunications to fulfill identified needs.

Sec. 3. Section 2, chapter 115, Laws of 1967 ex. sess. as last amended by section 3, chapter 504, Laws of 1987 and RCW 43.105.020 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

(1) "Department" means the department of information services;

(2) "Board" means the information services board;

(3) "Local governments" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;

(4) "Director" means the director of the department;

(5) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing;

(6) "Backbone network" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network;

(7) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means;

(8) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions;

(9) "Information services" means data processing, telecommunications, and office automation;

(10) "Equipment" means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, and cables;

(11) "Proprietary software" means that software offered for sale or license;

(12) "Video telecommunications" means the electronic interconnection of two or more sites for the purpose of transmitting and/or receiving visual and associated audio information.

Sec. 4. Section 5, chapter 219, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 504, Laws of 1987 and RCW 43.105.032 are each amended to read as follows:

(1) There is hereby created the Washington state information services board. The board shall be ((composed)) comprised of ((nine)) the members((-Seven members shall be appointed by the governor, and serving at the governor's pleasure as follows: Three representatives from cabinet agencies, one representative from higher education, one representative from a noncabinet executive agency, and two representatives from the private sector. One member shall represent the judicial branch and be appointed by the chief justice of the supreme court. One member shall represent the legislative branch and shall be selected by the president of the senate and the speaker of the house of representatives)) identified under section 5 of this 1990 act.

((These)) (2) The members under section 5 of this 1990 act shall constitute the membership of the board with full voting rights. ((The director shall be an ex officio, nonvoting member of the board.)) The board shall select a chairperson from among its members. A majority of the members of the board shall constitute a quorum for the transaction of business.

(3) Vacancies shall be filled in the same manner ((that the original appointments were made)) as provided for under RCW 43.105.041.

((A majority of the members of the board shall constitute a quorum for the transaction of business.))

(4) Members of the board shall be compensated for service on the board in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 5. A new section is added to chapter 43.105 RCW to read as follows:

The members of the information services board established under RCW 43.105.032 shall include:

(1) The chief executive officer from four cabinet agencies, appointed by the governor, one of whom shall be the director of the department of information services;

(2) The superintendent of public instruction;

(3) The executive director of the higher education coordinating board;

(4) The executive director of the state board for community college education;

(5) Two members appointed by the governor to represent the private sector;

(6) One member appointed by the chief justice of the state supreme court to represent the judicial branch; and

(7) Two members representing the legislative branch. One legislator shall be appointed by the president of the senate. One legislator shall be appointed by the speaker of the house of representatives.

Sec. 6. Section 6, chapter 219, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 504, Laws of 1987 and RCW 43.105.041 are each amended to read as follows:

The board shall have the following powers and duties related to information services:

(1) To develop standards governing the acquisition and disposition of equipment, proprietary software and purchased services, and confidentiality of computerized data;

(2) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services: PROVIDED, That, agencies and institutions of state government are expressly prohibited from acquiring or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of equipment, proprietary software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200. This subsection does not apply to the legislative branch:

(3) To develop state-wide or interagency technical policies, standards, and procedures;

(4) To assure the cost-effective development and incremental implementation of a state-wide video telecommunications system to serve: Public schools; educational service districts; vocational-technical institutes; community colleges; colleges and universities; state and local government; and the general public through public affairs programming;

(5) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary(;;);

((5)) (6) To develop and implement a process for the resolution of appeals by:

(a) ((By)) Vendors concerning the conduct of an acquisition process by an agency or the department; or

(b) ((By)) A customer agency concerning the provision of services by the department or by other state agency providers;

((6)) (7) To establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:

(a) Planning, management, control, and use of information services;

(b) Training and education; and

(c) Project management;

((7)) (8) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director; and

((8)) (9) To review and approve that portion of the department's budget requests that provides for support to the board((-and

(9) To abolish the use of service center designations and establish necessary policies and standards to allow Washington State University and the department of transportation to continue the practice of providing information services to other agencies and local governments)).

Sec. 7. Section 8, chapter 504, Laws of 1987 and RCW 43.105.052 are each amended to read as follows:

The department shall:

(1) Perform all duties and responsibilities the board delegates to the department, including but not limited to;

(a) The review of agency acquisition plans and requests; and

(b) Implementation of state-wide and interagency policies, standards, and guidelines;

(2) Make available information services to state agencies and local governments on a full cost-recovery basis. These services may include, but are not limited to:

(a) Telecommunications services for voice, data, and video;

(b) Mainframe computing services;

(c) Support for departmental and microcomputer evaluation, installation, and use;

(d) Equipment acquisition assistance, including leasing, brokering, and establishing master contracts;

(e) Facilities management services for information technology equipment, equipment repair, and maintenance service;

(f) Negotiate with local cable companies and local governments to provide for connection to local cable services to allow for access to these public and educational channels in the state;

(g) Office automation services;

(h) System development services; and

(i) Training.

These services are for discretionary use by customers and customers may elect other alternatives for service if those alternatives are more cost-effective or provide better service. Agencies may be required to use the backbone network portions of the telecommunications services during an initial start-up period not to exceed three years:

(3) Establish rates and fees for services provided by the department to assure that the services component of the department is self-supporting. A billing rate plan shall be developed for a two-year period to coincide with the budgeting process. The rate plan shall be subject to review at least annually by the customer oversight committees. The rate plan shall show the proposed rates by each cost center and will show the components of the rate structure as mutually determined by the department and the customer oversight committees. The same rate structure will apply to all user agencies of each cost center. The rate plan and any adjustments to rates shall be approved by the office of financial management. The services component shall not subsidize the operations of the planning component:

(4) With the advice of the information services board and agencies, develop and publish state-wide goals and objectives at least biennially;

(5) Develop plans for the department's achievement of state-wide goals and objectives. These plans shall address such services as telecommunications, central and distributed computing, local area networks, office automation, and end user computing. The department shall seek the advice of customer oversight committees and the board in the development of these plans;

~~(6) Under direction of the information services board and in collaboration with the department of personnel, the higher education personnel board, and other agencies as may be appropriate, develop training plans and coordinate training programs that are responsive to the needs of agencies (in collaboration with the department of personnel and the higher education personnel board);~~

(7) Identify opportunities for the effective use of information services and coordinate appropriate responses to those opportunities;

(8) Assess agencies' projects, acquisitions, plans, or overall information processing performance as requested by the board, agencies, the director of financial management, or the legislature. Agencies may be required to reimburse the department for agency-requested reviews;

(9) Develop planning, budgeting, and expenditure reporting requirements, in conjunction with the office of financial management, for agencies to follow;

(10) Assist the office of financial management with budgetary and policy review of agency plans for information services;

(11) Provide staff support from the planning component to the board for:

(a) Meeting preparation, notices, and minutes;

(b) Promulgation of policies, standards, and guidelines adopted by the board;

(c) Supervision of studies and reports requested by the board;

(d) Conducting reviews and assessments as directed by the board; ~~((and))~~

(12) Be the lead agency in coordinating video telecommunications services for all state agencies and develop, pursuant to board policies, standards and common specifications for leased and purchased telecommunications equipment. The department shall not evaluate the merits of school curriculum, higher education course offerings, or other education and training programs proposed for transmission and/or reception using video telecommunications resources. Nothing in this section shall abrogate or abridge the legal responsibilities of licensees of telecommunications facilities as licensed by the federal communication commission on the effective date of this section; and

(13) Perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

NEW SECTION. Sec. 8. A new section is added to Title 28A RCW to read as follows:

The office of the superintendent of public instruction shall provide state-wide coordination of video telecommunications programming for the common schools.

NEW SECTION. Sec. 9. A new section is added to chapter 28B.80 RCW to read as follows:

The higher education coordinating board shall provide state-wide coordination of video telecommunications programming for the public four-year higher education institutions.

NEW SECTION. Sec. 10. A new section is added to chapter 28B.50 RCW to read as follows:

The state board for community college education shall provide state-wide coordination of video telecommunications programming for the community college system.

NEW SECTION. Sec. 11. A new section is added to chapter 43.105 RCW to read as follows:

(1) A video telecommunications advisory committee is created to advise the board on video telecommunications issues. The committee shall:

(a) Develop recommendations for the creation and utilization of state-wide video telecommunications resources;

(b) Assist the board in its development of a strategic direction for future state use of video telecommunications and a coordinated program for the state-wide use of video telecommunications;

(c) Develop a plan to encourage collaborative efforts among state agencies, institutions, and schools to make the most cost-effective use of video telecommunications equipment and resources;

(d) Develop recommendations for the board regarding the use of video telecommunications to conduct state business and expand educational opportunities in ways that are consistent with the overall strategic direction for the state-wide use of video telecommunications resources;

(e) In the event funds are made available, develop criteria for selection of pilot projects using video telecommunications in education, training, and the conduct of state business.

(2) The advisory committee shall be composed of fifteen members, to be appointed as follows:

(a) The director of the higher education coordinating board shall appoint:

(i) A representative from the staff of the higher education coordinating board; and

(ii) A representative from an institution of higher education with experience in use of video telecommunications as an instructional medium;

(b) The director of the state board for community college education shall appoint:

(i) A representative from the staff of the state board for community college education; and

(ii) A representative from a community college with experience in use of video telecommunications as an instructional medium;

(c) The superintendent of public instruction shall appoint:

(i) A representative from the office of the superintendent of public instruction;

(ii) A representative from a school district with experience in use of video telecommunications as an instructional medium;

(iii) A representative from an educational service district with experience in coordination of video telecommunications services; and

(iv) A representative from a public vocational-technical institute with experience in use of video telecommunications as an instructional medium;

(d) The director of the office of financial management shall appoint a representative from the office of financial management;

(e) The director of the department of information services shall appoint:

(i) Two representatives of state agencies with experience or interest in the use of video telecommunications to facilitate state business; and

(ii) Two private sector representatives with expertise in video communications technology and the use of that technology to facilitate business and expand educational opportunities; and

(f) The speaker of the house of representatives and the president of the senate shall each appoint a member of the legislature with interest in the coordinated and collaborative development of state-wide video telecommunications resources.

NEW SECTION. Sec. 12. (1) The information services board shall develop and submit to the legislature and the governor by December 1, 1990, a plan for the cost-effective, incremental implementation of a coordinated state-wide video telecommunications system.

(2) The plan shall include:

(a) A review of the findings and recommendations of prior telecommunications studies conducted by the superintendent of public instruction, the higher education coordinating board, the state board for community college education, and the departments of information services and community development;

(b) A description of the strengths and weaknesses of the current system;

(c) Recommended system concepts and directions, including a strategic direction for state video telecommunications;

(d) Coordinated roles, responsibilities, and interrelationships among agencies;

(e) Policies and procedures for video telecommunications equipment and services; and

(f) Cost estimates by order of magnitude.

NEW SECTION. Sec. 13. A new section is added to chapter 43.105 RCW to read as follows:

The department of information services and the information services board, respectively, shall adopt rules as necessary under chapter 34.05 RCW to implement the provisions of RCW 43.105.005, 43.105.017, 43.105.032, 43.105.041, 43.105.052, and section 5 of this act.

NEW SECTION. Sec. 14. Unless the context clearly requires otherwise, the definitions in this section apply to section 15 of this act:

(1) "Commercial promotional activity" means an activity designed to induce the purchase of a particular product or service by students, or to extol the benefits of a product or service to students to make its purchase more attractive, that is conveyed to students electronically through such media as television, videodiscs, computer programs, and video cassette recorders.

(2) "Commercial sponsorship" means the sponsorship or the underwriting of an activity on school premises that does not involve the commercial promotion of a particular product or service.

NEW SECTION. Sec. 15. (1) A school district board of directors may not enter into a contract or agreement that permits commercial promotional activity on school premises if such contract or agreement limits or impairs the board's authority and responsibility, or the authority and responsibility of district administrators and teachers, to determine the materials to be presented to students during the school day or to determine the times during the school day when materials will be presented to students.

(2) A school district board of directors may not enter into a contract or agreement under which students are regularly required to observe, listen to, or read commercial promotional activities.

(3) A contract or agreement that permits commercial promotional activities that was entered into by a school district board of directors before the effective date of this section shall not be renewed by the board.

(4) A school district is not prohibited from offering students the regular study of commercial advertising as an academic subject.

(5) Nothing in this section prohibits commercial sponsorship of school activities.

NEW SECTION. Sec. 16. (1) The superintendent of public instruction shall conduct a study on the impact of televised educational programming in schools that includes and is funded by commercial advertising.

(2) The study shall include those districts and schools in Washington state which have entered into a contract or agreement before the effective date of this section that permits televised educational programming in schools that includes and is funded by commercial advertising.

(3) The study shall also include, to the extent possible, those districts in other states that pilot tested or are using televised educational programming in schools that includes and is funded by commercial advertising.

(4) The study shall include an examination of the impact of such televised educational programming in schools that includes and is funded by commercial advertising on:

(a) Students' knowledge of geography, world events and world problems;

(b) Students' awareness and understanding of other cultures;

(c) Students', teachers', and administrators' feelings about the value of the programming as part of the social studies curriculum; and

(d) Students', parents', teachers', and administrators' feelings about the appropriateness of required viewing of commercial advertising as part of the televised educational programming.

(5) The superintendent of public instruction shall submit a report to the legislature not later than January 15, 1991.

NEW SECTION. Sec. 17. The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to implement sections 14 and 15 of this act.

NEW SECTION. Sec. 18. Sections 14 through 17 of this act shall expire June 30, 1991.

NEW SECTION. Sec. 19. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Thorsness, the following amendment to the striking amendment by Senators Thorsness, Gaspard and Madsen was adopted:

On page 5, line 28 of the amendment, after "information" insert " Video telecommunications shall not include existing public television broadcast stations as currently designated by the department of community development under chapter 43.63A RCW."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Thorsness, Gaspard and Madsen, as amended, to Substitute House Bill No. 2403.

The striking amendment by Senators Thorsness, Gaspard and Madsen, as amended, was adopted.

MOTIONS

On motion of Senator Thorsness, the following title amendment was adopted:

On page 1, line 1 of the title, after "telecommunications;" strike the remainder of the title and insert "amending RCW 43.105.005, 43.105.017, 43.105.020; 43.105.032, 43.105.041, and 43.105.052; adding a new section to chapter 28B.80 RCW; adding a new section to chapter 28B.50 RCW; adding new sections to chapter 43.105 RCW; adding a new section to Title 28A RCW; creating new sections; providing an expiration date; and declaring as emergency."

On motion of Senator Thorsness, Substitute House Bill No. 2403, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTIONS

On motion of Senator Vognild, Senator Owen was excused.

On motion of Senator Smith, Senator Amondson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2403, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2403, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; absent, 4; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen,

Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 42.

Absent: Senators Anderson, Benitz, Johnson, Wojahn - 4.

Excused: Senators Amondson, Craswell, Owen - 3.

SUBSTITUTE HOUSE BILL NO. 2403, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2840, by Representatives R. Fisher, Schmidt and R. Meyers

Creating the position of executive director of the county road administration board.

The bill was read the second time.

MOTION

On motion of Senator Patterson, House Bill No. 2840 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2840.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2840 and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senators Johnson, Patrick - 2.

Excused: Senators Amondson, Craswell, Owen - 3.

HOUSE BILL NO. 2840, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Smith, Senators Johnson and Patrick were excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 2882, by Representatives R. Fisher and Schmidt

Authorizing the department of transportation to approve emergency contracts.

The bill was read the second time.

MOTION

On motion of Senator Patterson, Engrossed House Bill No. 2882 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2882.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2882 and the bill passed the Senate by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senators Newhouse, Vognild - 2.

Excused: Senators Amondson, Craswell, Johnson, Patrick - 4.

ENGROSSED HOUSE BILL NO. 2882, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2989, by Representatives Peery and R. Fisher

Delaying required registration for freight brokers and forwarders.

The bill was read the second time.

MOTIONS

On motion of Senator Patterson, the following Committee on Transportation amendment was adopted:

On page 1, line 7, after "(1)" strike "Each" and insert "After June 30, 1991, each"

On motion of Senator Patterson, House Bill No. 2989, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2989, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2989, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Absent: Senator Newhouse - 1.

Excused: Senators Amondson, Craswell, Johnson, Patrick - 4.

HOUSE BILL NO. 2989, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

At 11:16 a.m., the President declared the Senate to be at ease.

The Senate was called to order at 11:26 a.m. by President Pritchard.

The President advanced the Senate to the eighth order of business.

MOTION

Senator Hansen moved that the following resolution be adopted:

SENATE RESOLUTION 1990-8749

by Senators Hansen, Barr, Nelson, Patterson, Patrick, Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams and Wojahn

WHEREAS, The Honorable Glyn Chandler a member of the House of Representatives from the 13th Legislative District, was a dedicated and true public servant who forthrightly and courageously addressed Washington's problems; and

WHEREAS, He represented his constituents with energy and devotion in his own matchless style; and

WHEREAS, Glyn, was well-liked, appreciated, and respected by his friends, constituents, and the members of the Legislature; and

WHEREAS, Glyn possessed, and daily demonstrated, the qualities of steadfastness, loyalty, fairness, honesty, and Christian morality; and

WHEREAS, He was devoted to his wife from the first day their romance began, which blossomed in elementary school, through a marriage of forty-four years; and

WHEREAS, Glyn and Fran worked together, played together, attended church together, served their community together, and raised five children, Gary, Dave, Bob, Greg, and Debbie, together; and

WHEREAS, He was a popular and concerned member of the Moses Lake School Board and President of the PTSA; and

WHEREAS, Glyn was serving his fourth term in the Washington State House of Representatives where he was active on the Health Care, Agriculture, Financial Institutions and Insurance, and State Government Committees; and

WHEREAS, He championed the cause of free enterprise, ever seeking ways to enhance government services through privatization; and

WHEREAS, Glyn championed English as Washington State's official language, so that everyone would speak the same language and have an equal opportunity in the market place; and

WHEREAS, Glyn introduced to the 1990 Legislature his final dream for Washington State to establish an international terminal at Moses Lake with high speed transport from there to other areas of the state;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, that the Chandler family receive our sympathy and condolences in their time of sorrow; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Fran Chandler and to each of their children.

Senators Hansen, Patrick, Nelson and Johnson spoke to Senate Resolution 1990-8749.

MOTION

On motion of Senator Nelson, all Senators will be added as sponsors of Senate Resolution 1990-8749.

The President declared the question before the Senate to be the adoption of Senate Resolution 1990-8749.

Senate Resolution 1990-8749 was adopted.

MOTION

At 11:34 a.m., on motion of Senator Nelson, the Senate was declared to be at ease.

The Senate was called to order at 11:52 a.m. by President Pritchard.

MOTION

At 11:52 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 1:07 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9190, Don Schwerin, as a member of the Board of Trustees for Walla Walla Community College District No. 20, was confirmed.

Senator Hayner spoke to the confirmation of Don Schwerin as a member of the Board of Trustees for Walla Walla Community College.

POINT OF INQUIRY

Senator Fleming: "Senator Hayner, is he from Walla Walla?"

Senator Hayner: "Yes."

Senator Fleming: "He's ok with me, too."

MOTIONS

On motion of Senator Bender, Senators Hansen and Rinehart were excused.
On motion of Senator Anderson, Senator West was excused.

APPOINTMENT OF DON SCHWERIN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 35; absent, 8; excused, 6.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Rasmussen, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams - 35.

Absent: Senators Bauer, Gaspard, McDonald, Moore, Owen, Patterson, Smitherman, Wojahn - 8.

Excused: Senators Craswell, Hansen, Johnson, Patrick, Rinehart, West - 6.

SECOND READING

HOUSE BILL NO. 1957, by Representatives Zellinsky, S. Wilson, Haugen, Schmidt, Walk, Vekich, R. Meyers, Sayan, Spanel and Youngsman

Repealing excess funds transfer provisions for the Puget Sound ferry operations account.

The bill was read the second time.

MOTION

On motion of Senator Nelson, House Bill No. 1957 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1957.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1957 and the bill passed the Senate by the following vote: Yeas, 38; absent, 6; excused, 5.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Hayner, Kreidler, Lee, Madsen, Matson, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Rasmussen, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 38.

Absent: Senators Gaspard, McCaslin, McDonald, Owen, Patterson, Smitherman - 6.

Excused: Senators Craswell, Hansen, Johnson, Rinehart, West - 5.

HOUSE BILL NO. 1957, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Patterson was excused.

SECOND READING

REENGROSSED HOUSE BILL NO. 1724, by Representatives Prentice, Patrick, S. Wilson, Baugher, Walk, Betrozoff, Zellinsky, Wood, Todd, R. Fisher, Nelson, Cooper, Holland, Sayan, D. Sommers, Gallagher, Anderson, Cantwell, Leonard, Haugen and Winsley (by request of Legislative Transportation Committee)

Establishing criteria for state highway designation.

The bill was read the second time.

MOTIONS

On motion of Senator Thorsness, the following Committee on Transportation amendment was adopted:

On page 1, line 22, after "port" strike "of" and insert "or"

On motion of Senator Thorsness, Reengrossed House Bill No. 1724, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed House Bill No. 1724, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed House Bill No. 1724, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 1; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 44.

Voting nay: Senator Barr - 1.

Absent: Senator Owen - 1.

Excused: Senators Hansen, Patterson, West - 3.

REENGROSSED HOUSE BILL NO. 1724, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2609, by Committee on Revenue (originally sponsored by Representatives Ferguson, Rust, Dellwo, Wang, P. King and McLean) (by request of Pollution Liability Reinsurance Agency)

Revising provisions for the Washington pollution liability insurance program.

The bill was read the second time.

MOTION

On motion of Senator von Reichbauer, the following Committee on Financial Institutions and Insurance amendment was adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 383, Laws of 1989 and RCW 70.148.005 are each amended to read as follows:

(1) The legislature finds that:

(a) Final regulations adopted by the United States environmental protection agency (EPA) require owners and operators of underground petroleum storage tanks to demonstrate financial responsibility for accidental releases of petroleum as a precondition to continued ownership and operation of such tanks;

(b) Financial responsibility is demonstrated through the purchase of pollution liability insurance or an acceptable alternative such as coverage under a state financial responsibility program, in the amount of at least five hundred thousand dollars per occurrence and one million dollars annual aggregate depending upon the nature, use, and number of tanks owned or operated;

(c) Many owners and operators of underground petroleum storage tanks cannot purchase pollution liability insurance either because private insurance is unavailable at any price or because owners and operators cannot meet the rigid underwriting standards of existing insurers, nor can many owners and operators meet the strict regulatory standards imposed for alternatives to the purchase of insurance; and

(d) Without a state financial responsibility program for owners and operators of underground petroleum storage tanks, many tank owners and operators will be forced to discontinue the ownership and operation of these tanks.

(2) The purpose of this chapter is to create a state financial responsibility program meeting EPA standards for owners and operators of underground petroleum storage tanks in a manner that:

(a) Minimizes state involvement in pollution liability claims management and insurance administration;

(b) Protects the state of Washington from unwanted and unanticipated liability for accidental release claims;

(c) Creates incentives for private insurers to provide needed liability insurance; and

(d) Parallels generally accepted principles of insurance and risk management.

To that end, this chapter establishes a temporary program to provide pollution liability reinsurance at a price that will encourage a private insurance company or risk retention group to sell pollution liability insurance in accordance with the requirements of this chapter to owners and operators of underground petroleum storage tanks, thereby allowing the owners and operators to comply with the financial responsibility regulations of the EPA.

(3) It is not the intent of this chapter to permit owners and operators of underground petroleum storage tanks to obtain pollution liability insurance without regard to the quality or condition of their storage tanks or without regard to the risk management practices of tank owners and operators, nor is it the intent of this chapter to provide coverage or funding for past or existing petroleum releases. Further, it is the intent of the legislature that the program follow generally accepted insurance underwriting and actuarial principles and to deviate from those principles only to the extent necessary and within the tax revenue limits provided, to make pollution liability insurance reasonably affordable and available to owners and operators who meet the requirements of this chapter, particularly to those owners and operators whose underground storage tanks meet a vital economic need within the affected community.

Sec. 2. Section 2, chapter 383, Laws of 1989 and RCW 70.148.010 are each amended to read as follows:

Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accidental release" means any sudden or nonsudden release of petroleum arising from operating an underground storage tank that results in a need for corrective action, bodily injury, or property damage neither expected nor intended by the owner or operator.

(2) "~~((Administrator))~~ Director" means the Washington pollution liability ~~((reinsurance))~~ insurance program ~~((administrator))~~ director.

(3) "Bodily injury" means bodily injury, sickness, or disease sustained by any person, including death at any time resulting from the injury, sickness, or disease.

(4) "Corrective action" means those actions reasonably required to be undertaken by the insured to remove, treat, neutralize, contain, or clean up an accidental release in order to comply with any statute, ordinance, rule, regulation, directive, order, or similar legal requirement of the United States, the state of Washington, or any political subdivision of the United States or the state of Washington in effect at the time of an accidental release. "Corrective action" includes, when agreed to in writing, in advance by the insurer, action to remove, treat, neutralize, contain, or clean up an accidental release to avert, reduce, or eliminate the liability of the insured for corrective action, bodily injury, or property damage. "Corrective action" also includes actions reasonably necessary to monitor, assess, and evaluate an accidental release. "Corrective action" does not include:

(a) Replacement or repair of storage tanks or other receptacles;

(b) Replacement or repair of piping, connections, and valves of storage tanks or other receptacles;

(c) Excavation or backfilling done in conjunction with (a) or (b) of this subsection; or

(d) Testing for a suspected accidental release if the results of the testing indicate that there has been no accidental release.

(5) "Defense costs" include the costs of legal representation, expert fees, and related costs and expenses incurred in defending against claims or actions brought by or on behalf of:

(a) The United States, the state of Washington, or any political subdivision of the United States or state of Washington to require corrective action or to recover costs of corrective action; or

(b) A third party for bodily injury or property damage caused by an accidental release.

(6) "Washington pollution liability ~~((reinsurance))~~ insurance program" or "program" means the ~~((excess of loss))~~ reinsurance program created by this chapter.

(7) "Insured" means the owner or operator who is provided insurance coverage in accordance with this chapter.

(8) "Insurer" means the insurance company or risk retention group licensed or qualified to do business in Washington and authorized by the ~~((administrator))~~ director to provide insurance coverage in accordance with this chapter.

(9) "Loss reserve" means the amount traditionally set aside by commercial liability insurers for costs and expenses related to claims that have been made. "Loss reserve" does not include losses that have been incurred but not reported to the insurer.

(10) "Occurrence" means an accident, including continuous or repeated exposure to conditions, that results in a release from an underground storage tank.

~~((#0))~~ (11) "Operator" means a person in control of, or having responsibility for, the daily operation of an underground storage tank.

~~((#1))~~ (12) "Owner" means a person who owns an underground storage tank.

~~((#2))~~ (13) "Person" means an individual, trust, firm, joint stock company, corporation (including government corporation), partnership, association, consortium, joint venture, commercial entity, state, municipality, commission, political subdivision of a state, interstate body, the federal government, or any department or agency of the federal government.

~~((#3))~~ (14) "Petroleum" means crude oil or any fraction of crude oil that is liquid at standard conditions of temperature and pressure, which means at sixty degrees Fahrenheit and 14.7 pounds per square inch absolute and includes gasoline, kerosene, heating oils, and diesel fuels.

~~((#4))~~ (15) "Property damage" means:

(a) Physical injury to, destruction of, or contamination of tangible property, including the loss of use of the property resulting from the injury, destruction, or contamination; or

(b) Loss of use of tangible property that has not been physically injured, destroyed, or contaminated but has been evacuated, withdrawn from use, or rendered inaccessible because of an accidental release.

~~((t5))~~ (16) "Release" means the emission, discharge, disposal, dispersal, seepage, or escape of petroleum from an underground storage tank into or upon land, ground water, surface water, subsurface soils, or the atmosphere.

(17) "Surplus reserve" means the amount traditionally set aside by commercial property and casualty insurance companies to provide financial protection from unexpected losses and to serve, in part, as a measure of an insurance company's net worth.

~~((t6))~~ (18) "Tank" means a stationary device, designed to contain an accumulation of petroleum, that is constructed primarily of nonearthen materials such as wood, concrete, steel, or plastic that provides structural support.

~~((t7))~~ (19) "Underground storage tank" means any one or a combination of tanks including underground pipes connected to the tank, that is used to contain an accumulation of petroleum and the volume of which (including the volume of the underground pipes connected to the tank) is ten percent or more beneath the surface of the ground.

Sec. 3. Section 3, chapter 383, Laws of 1989 and RCW 70.148.020 are each amended to read as follows:

(1) The pollution liability ~~((reinsurance))~~ insurance program trust account is established in the custody of the state treasurer. All funds appropriated for this chapter and all premiums collected for reinsurance shall be deposited in the account. Expenditures from the account shall be used exclusively for the purposes of this chapter including payment of costs of administering the program. The account is subject to allotment procedures under chapter 43.88 RCW. Expenditures for payment of the costs of administering the program may be made only after appropriation by statute. No appropriation is required for other expenditures from the account. The earnings on any surplus balances in the pollution liability ~~((reinsurance))~~ insurance program trust account shall be credited to the account notwithstanding RCW 43.84.090.

(2) Each calendar quarter, the director shall report to the insurance commissioner and the chairs of the senate ways and means, senate financial institutions, house of representatives revenue, and house of representatives financial institutions committees, the loss and surplus reserves required for the calendar quarter. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter.

Sec. 4. Section 4, chapter 383, Laws of 1989 and RCW 70.148.030 are each amended to read as follows:

(1) The Washington pollution liability ~~((reinsurance))~~ insurance program is created as an independent agency of the state. The administrative head and appointing authority of the program shall be the ~~((administrator))~~ director who shall be appointed by the governor, with the consent of the senate, and shall serve at the pleasure of the governor. The salary for this office shall be set by the governor pursuant to RCW 43.03.040. The ~~((administrator))~~ director shall appoint ~~((an assistant administrator. The administrator, assistant administrator))~~ a deputy director. The director, deputy director, and up to three other employees are exempt from the civil service law, chapter 41.06 RCW.

(2) The ~~((administrator))~~ director shall employ such other staff as are necessary to fulfill the responsibilities and duties of the ~~((administrator))~~ director. The staff is subject to the civil service law, chapter 41.06 RCW. In addition, the ~~((administrator))~~ director may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise. To the extent necessary to protect the state from unintended liability and ensure quality program and contract design, the director shall contract with an organization or organizations with demonstrated experience and ability in managing and designing pollution liability insurance and with an organization or organizations with demonstrated experience and ability in managing and designing pollution liability reinsurance. The director shall enter into such contracts after competitive bid but need not select the lowest bid. Any such contractor or consultant is prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility without specific permission of the program ~~((administrator. The administrator))~~ director. The director may call upon other agencies of the state to provide technical support and available information as necessary to assist the ~~((administrator))~~ director in meeting the ~~((administrator's))~~ director's responsibilities under this chapter. Agencies shall supply this support and information as promptly as circumstances permit.

(3) The governor shall appoint a standing technical advisory committee that is representative of the public, the petroleum marketing industry, business and local government owners of underground storage tanks, and insurance professionals. Individuals appointed to the technical advisory committee shall serve at the pleasure of the governor and without compensation for their services as members, but may be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(4) A member of the technical advisory committee of the program is not civilly liable for any act or omission in the course and scope of his or her official capacity unless the act or omission constitutes gross negligence.

Sec. 5. Section 5, chapter 383, Laws of 1989 and RCW 70.148.040 are each amended to read as follows:

The ~~((administrator))~~ director may adopt rules consistent with this chapter to carry out the purposes of this chapter. All rules shall be adopted in accordance with chapter 34.05 RCW.

Sec. 6. Section 6, chapter 383, Laws of 1989 and RCW 70.148.050 are each amended to read as follows:

The ~~((administrator))~~ director has the following powers and duties:

(1) To design and from time to time revise ~~((an excess-of-loss))~~ a reinsurance contract providing coverage to an insurer meeting the requirements of this chapter. Before initially entering into a reinsurance contract, the director shall provide a report to the chairs of the senate ways and means, senate financial institutions, house of representatives revenue, and house of representatives financial institutions committees and shall include an actuarial report describing the various reinsurance methods considered by the director and describing each method's costs. In designing the reinsurance contract the ~~((administrator))~~ director shall consider common insurance industry ~~((excess-of-loss))~~ reinsurance contract provisions and shall design the contract in accordance with the following guidelines:

(a) The contract shall provide coverage to the insurer for the liability risks of owners and operators of underground storage tanks for third party bodily injury and property damage and corrective action that are underwritten by the insurer.

(b) In the event of an insolvency of the insurer, the reinsurance contract shall provide reinsurance payable directly to the insurer or to its liquidator, receiver, or successor on the basis of the liability of the insurer in accordance with the reinsurance contract. In no event may the program be liable for or provide coverage for that portion of any covered loss that is the responsibility of the insurer whether or not the insurer is able to fulfill the responsibility.

(c) The total limit of liability for reinsurance coverage shall not exceed one million dollars per occurrence and two million dollars annual aggregate for each policy underwritten by the insurer less the ultimate net loss retained by the insurer as defined and provided for in the reinsurance contract.

(d) Disputes between the insurer and the ~~((reinsurance))~~ insurance program shall be settled through arbitration.

(2) To design and implement a structure of periodic premiums due the ~~((administrator))~~ director from the insurer that takes full advantage of revenue collections and projected revenue collections to ensure affordable premiums to the insured consistent with sound actuarial principles.

(3) To periodically review premium rates for reinsurance to determine whether revenue appropriations supporting the program can be reduced without substantially increasing the insured's premium costs.

(4) To solicit bids from insurers and select an insurer to provide pollution liability insurance to owners and operators of underground storage tanks for third party bodily injury and property damage and corrective action.

(5) To monitor the activities of the insurer to ensure compliance with this chapter and protect the program from excessive loss exposure resulting from claims mismanagement by the insurer.

(6) To monitor the success of the program and periodically make such reports and recommendations to the legislature as the ~~((administrator))~~ director deems appropriate.

(7) To annually report the financial and loss experience of the insurer as to policies issued under the program and the financial and loss experience of the program to the legislature.

(8) To evaluate the effects of the program upon the private market for liability insurance for owners and operators of underground storage tanks and make recommendations to the legislature on the necessity for continuing the program to ensure availability of such coverage.

(9) To enter into contracts with public and private agencies to assist the ~~((administrator))~~ director in his or her duties to design, revise, monitor, and evaluate the program and to provide technical or professional assistance to the ~~((administrator))~~ director.

(10) To examine the affairs, transactions, accounts, records, documents, and assets of insurers as the ~~((administrator))~~ director deems advisable.

Sec. 7. Section 7, chapter 383, Laws of 1989 and RCW 70.148.060 are each amended to read as follows:

(1) All examination and proprietary reports and information obtained by the ~~((administrator))~~ director and the ~~((administrators))~~ director's staff in soliciting bids from insurers and in monitoring the insurer selected by the ~~((administrator))~~ director shall not be made public or otherwise disclosed to any person, firm, corporation, agency, association, governmental body, or other entity.

(2) Subsection (1) of this section notwithstanding, the ~~((administrator))~~ director may furnish all or part of examination reports prepared by the ~~((administrator))~~ director or by any person.

firm, corporation, association, or other entity preparing the reports on behalf of the ((administrator)) director to:

(a) The Washington state insurance commissioner;

(b) A person or organization officially connected with the insurer as officer, director, attorney, auditor, or independent attorney or independent auditor; and

(c) The attorney general in his or her role as legal advisor to the ((administrator)) director.

(3) Subsection (1) of this section notwithstanding, the ((administrator)) director may furnish all or part of the examination or proprietary reports or information obtained by the ((administrator)) director to:

(a) The Washington state insurance commissioner; and

(b) A person, firm, corporation, association, governmental body, or other entity with whom the ((administrator)) director has contracted for services necessary to perform his or her official duties.

(4) Examination reports and proprietary information obtained by the ((administrator)) director and the ((administrator's)) director's staff are not subject to public disclosure under chapter 42.17 RCW.

(5) A person who violates any provision of this section is guilty of a gross misdemeanor.

Sec. 8, Section 8, chapter 383, Laws of 1989 and RCW 70.148.070 are each amended to read as follows:

(1) In selecting an insurer to provide pollution liability insurance coverage to owners and operators of underground storage tanks, the ((administrator)) director shall evaluate bids based upon criteria established by the ((administrator)) director that shall include:

(a) The insurer's ability to underwrite pollution liability insurance;

(b) The insurer's ability to settle pollution liability claims quickly and efficiently;

(c) The insurer's estimate of underwriting and claims adjustment expenses;

(d) The insurer's estimate of premium rates for providing coverage;

(e) The insurer's ability to manage and invest premiums; and

(f) The insurer's ability to provide risk management guidance to insureds.

The ((administrator)) director shall select the bidder most qualified to provide insurance consistent with this chapter and need not select the bidder submitting the least expensive bid. The ((administrator)) director may consider bids by groups of insurers and management companies who propose to act in concert in providing coverage and who otherwise meet the requirements of this chapter.

(2) The successful bidder shall agree to provide liability insurance coverage to owners and operators of underground storage tanks for third party bodily injury and property damage and corrective action consistent with the following minimum standards:

(a) The insurer shall provide coverage for defense costs.

(b) The insurer shall collect a deductible from the insured for corrective action in an amount approved by the ((administrator)) director.

(c) The insurer shall provide coverage for accidental releases in the amount of five hundred thousand dollars per occurrence and one million dollars annual aggregate but no more than one million dollars per occurrence and two million dollars annual aggregate exclusive of defense costs.

(d) The insurer shall require insurance applicants to meet at least the following underwriting standards before issuing coverage to the applicant:

(i) The applicant must be in compliance with statutes, ordinances, rules, regulations, and orders governing the ownership and operation of underground storage tanks as identified by the ((administrator)) director by rule; and

(ii) The applicant must exercise adequate underground storage tank risk management as specified by the ((administrator)) director by rule.

(e) The insurer may exclude coverage for losses arising before the effective date of coverage, and the ((administrator)) director may adopt rules establishing standards for determining whether a loss was incurred before the effective date of coverage.

(f) The insurer may exclude coverage for bodily injury, property damage, and corrective action as permitted by the ((administrator)) director by rule.

(g) The insurer shall use a variable rate schedule approved by the ((administrator)) director taking into account tank type, tank age, and other factors specified by the ((administrator)) director.

(3) The ((administrator)) director shall adopt all rules necessary to implement this section. In developing and adopting rules governing rates, deductibles, underwriting standards, and coverage conditions, limitations, and exclusions, the ((administrator)) director shall balance the owner and operator's need for coverage with the need to maintain the actuarial integrity of the program, shall take into consideration the economic impact of the discontinued use of a storage tank upon the affected community, and shall consult with the standing technical advisory committee established under RCW 70.148.030(3). In developing and adopting rules governing coverage exclusions affecting corrective action, the ((administrator)) director shall consult with the Washington state department of ecology.

(4) Notwithstanding the definitions contained in RCW 70.148.010, the ((administrator)) director may permit an insurer to use different words or phrases describing the coverage provided under the program. In permitting such deviations from the definitions contained in RCW 70.148.010, the ((administrator)) director shall consider the regulations adopted by the United States environmental protection agency requiring financial responsibility by owners and operators of underground petroleum storage tanks.

(5) Owners and operators of underground storage tanks or sites containing underground storage tanks where a preexisting release has been identified or where the owner or operator knows of a preexisting release are eligible for coverage under the program subject to the following conditions:

(a) The owner or operator must have a plan for proceeding with corrective action; and

(b) If the owner or operator files a claim with the insurer, the owner or operator has the burden of proving that the claim is not related to a preexisting release until the owner or operator demonstrates to the satisfaction of the ((administrator)) director that corrective action has been completed.

(6) When a reinsurance contract has been entered into by the agency and insurance companies, the director shall notify the department of ecology of the letting of the contract. Within thirty days of that notification, the department of ecology shall notify all known owners and operators of petroleum underground storage tanks that appropriate levels of financial responsibility must be established by October 26, 1990, in accordance with federal environmental protection agency requirements, and that insurance under the program is available. All owners and operators of petroleum underground storage tanks must also be notified that declaration of method of financial responsibility or intent to seek to be insured under the program must be made to the state by November 1, 1990. If the declaration of method of financial responsibility is not made by November 1, 1990, the department of ecology shall, pursuant to chapter 90.76 RCW, prohibit the owner or operator of an underground storage tank from obtaining a tank tag or receiving petroleum products until such time as financial responsibility has been established.

Sec. 9. Section 9, chapter 383, Laws of 1989 and RCW 70.148.080 are each amended to read as follows:

If the insurer cancels or refuses to issue or renew a policy, the affected owner or operator may appeal the insurer's decision to the ((administrator)) director. The ((administrator)) director shall conduct a brief adjudicative proceeding under chapter 34.05 RCW.

Sec. 10. Section 10, chapter 383, Laws of 1989 and RCW 70.148.090 are each amended to read as follows:

(1) The activities and operations of the program are exempt from the provisions and requirements of Title 48 RCW and to the extent of their participation in the program, the activities and operations of the insurer selected by the ((administrator)) director to provide liability insurance coverage to owners and operators of underground storage tanks are exempt from the requirements of Title 48 RCW except for:

(a) Chapter 48.03 RCW pertaining to examinations;

(b) RCW 48.05.250 pertaining to annual reports;

(c) Chapter 48.12 RCW pertaining to assets and liabilities;

(d) Chapter 48.13 RCW pertaining to investments;

(e) Chapter 48.30 RCW pertaining to deceptive, false, or fraudulent acts or practices; and

(f) Chapter 48.92 RCW pertaining to liability risk retention.

(2) To the extent of their participation in the program, the insurer selected by the ((administrator)) director to provide liability insurance coverage to owners and operators of underground storage tanks shall not participate in the Washington insurance guaranty association nor shall the association be liable for coverage provided to owners and operators of underground storage tanks issued in connection with the program.

NEW SECTION. Sec. 11. A new section is added to chapter 70.148 RCW to read as follows:

The director may design the program to cover the costs incurred in determining whether a proposed applicant for pollution insurance under the program meets the underwriting standards of the insurer. In covering such costs the director shall consider the financial resources of the applicant, shall take into consideration the economic impact of the discontinued use of the applicant's storage tank upon the affected community, shall provide coverage within the revenue limits provided under this chapter, and shall limit coverage of such costs to the extent that coverage would be detrimental to providing affordable insurance under the program.

Sec. 12. Section 16, chapter 383, Laws of 1989 and RCW 82.23A.020 are each amended to read as follows:

(1) A tax is imposed on the privilege of possession of petroleum products in this state. The rate of the tax shall be fifty one-hundredths of one percent multiplied by the wholesale value of the petroleum product.

(2) Moneys collected under this chapter shall be deposited in the pollution liability ((reinsurance)) insurance program trust account under RCW 70.148.020.

(3) Chapter 82.32 RCW applies to the tax imposed in this chapter. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the tax imposed in this chapter.

(4) Within thirty days after the end of each calendar quarter the department shall determine the "quarterly balance," which shall be the cash balance in the pollution liability ((reinsurance)) insurance program trust account as of the last day of that calendar quarter, after excluding the reserves determined for that quarter under RCW 70.148.020(2). Balance determinations by the department under this section are final and shall not be used to challenge the validity of any tax imposed under this section. For each subsequent calendar quarter, tax shall be imposed under this section during the entire calendar quarter unless:

(a) Tax was imposed under this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than fifteen million dollars; or

(b) Tax was not imposed under this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than seven million five hundred thousand dollars.

NEW SECTION, Sec. 13. Section 11, chapter 383, Laws of 1989 and RCW 70.148.100 are each repealed.

NEW SECTION, Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

MOTIONS

On motion of Senator von Reichbauer, the following title amendment was adopted:

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 70.148.005, 70.148.010, 70.148.020, 70.148.030, 70.148.040, 70.148.050, 70.148.060, 70.148.070, 70.148.080, 70.148.090, and 82.23A.020; adding a new section to chapter 70.148 RCW; repealing RCW 70.148.100; and declaring an emergency."

On motion of Senator von Reichbauer, Substitute House Bill No. 2609, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Bender, Senator DeJarnatt was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2609, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2609, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Neilson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators DeJarnatt, Hansen - 2.

SUBSTITUTE HOUSE BILL NO. 2609, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 6904 and the pending amendments by Senators Fleming, Gaspard, Talmadge, Warnke and Smitherman on page 2, line 15; page 5, line 16; and page 6, beginning on line 4; deferred on February 27, 1990.

MOTION

On motion of Senator Fleming, and there being no objections, the amendments by Senators Fleming, Gaspard, Talmadge, Warnke and Smitherman on page 2, line 15; page 5, line 16; and page 6, beginning on line 4; to Senate Bill No. 6904 were withdrawn.

MOTION

Senator Fleming moved that the following amendments by Senators Fleming, Vognild, Gaspard, Anderson, Benitz, Talmadge, Williams and Moore be considered simultaneously and be adopted:

On page 2, line 17, after "act;" strike "and (d) A" and insert:

(d) A sum equal to one and fifty one-hundredths percent thereof shall be allocable to the city criminal justice assistance account under section 3 of this act; and

(e) A"

On page 6, after line 8, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 82.14 RCW to read as follows:
The city criminal justice account is created in the state treasury. The account shall consist of all motor vehicle excise tax receipts deposited into the account under RCW 82.44.150(2)(d).

(1) The moneys in the city criminal justice assistance account shall be distributed at such times as distributions are made under RCW 82.44.150. Such moneys shall be distributed to the cities of the state ratably on the basis of population as last determined by the office of financial management. Cities can only receive such moneys upon meeting the following criteria:

(a) The city has a crime rate in excess of one hundred twenty five percent of the statewide average as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs;

(b) The city has levied the second one-half of one percent local sales and use tax, as provided in RCW 82.14.030, or the additional tax on the sale of real property in lieu of the tax under RCW 82.14.030, as provided in RCW 82.46.010(2); and

(c) The city has a per capita yield from each one-half of one percent of local sales and use tax of less than one hundred fifty percent of the statewide average per capita yield for all cities and towns from such local sales and use tax.

(2) No city may receive more than one million dollars in any calendar year from the city criminal justice assistance account.

(3) Moneys distributed under this section shall be expended exclusively for criminal justice purposes. Within thirty days following the close of the city's fiscal year, the city shall report to the state auditor the expenditures made under this section."

Renumber the remaining sections consecutively

On page 7, line 33, after "2" insert "and 3"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Fleming, Vognild, Gaspard, Anderson, Benitz, Talmadge, Williams and Moore on page 2, line 17; page 6, after line 8; and page 7, line 33; to Senate Bill No. 6904.

The motion by Senator Fleming carried and the amendments were adopted.

MOTION

On motion of Senator Fleming, any Senator interested in being a sponsor of the amendments to Senate Bill No. 6904 may do so by contacting the Secretary of Senate.

MOTION

On motion of Senator Newhouse, Engrossed Senate Bill No. 6904 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6904.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6904 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Hansen - 1.

ENGROSSED SENATE BILL NO. 6904, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2809, by Committee on Judiciary (originally sponsored by Representatives H. Myers, Brough, Jones, Tate, Rasmussen, Rector, Forner, Padden, D. Sommers, Cooper, Beck, Dorn, Holland, Morris, Wineberry, R. King, Day, Spanel, P. King, Raiter, Scott, Schoon, Pruitt, Fraser, G. Fisher, Basich, Bowman, Moyer, Dellwo, Peery, Ebersole, Zellinsky, Kremen, Vekich, Belcher, Kirby, Rayburn, May, Winsley, Brumsickle, Doty, Ferguson, Smith, Wolfe, Silver, Bennett, McLean, Todd, Leonard, Sprengle, Youngsman, Miller, Brekke, Jacobsen, Wood and Van Luven)

Allowing certain child abuse victims to testify through closed-circuit television.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the following Committee on Law and Justice amendments were considered simultaneously and were adopted:

On page 3, line 12, after "(j)" insert "All parties in the room with the child are on camera and can be viewed by all other parties. If viewing all participants is not possible, the court shall describe for the viewers the location of the prosecutor, defense attorney, and other participants in relation to the child.

(k)"

On page 3, line 15, strike "(k)" and insert "(l)"

MOTION

On motion of Senator Nelson, Engrossed Substitute House Bill No. 2809, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, there is nothing in the proposed law that says that they have to use this approach. Doesn't it leave it up to the judge and the prosecutor to decide?"

Senator Talmadge: "Senator, my point is if they choose to use it with the emergency clause that is on this bill, and after the fact of the trial, the United States Supreme Court decides that the Coy v Illinois case is correct, they will have to overturn the conviction of that offender based on the use of this authority."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2809, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2809, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 10; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Gaspard, Hayner, Johnson, Lee, Madsen, Matson, McCasin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 38.

Voting nay: Senators Conner, DeJarnatt, Fleming, Kreidler, Moore, Murray, Niemi, Rinehart, Talmadge, Williams - 10.

Excused: Senator Hansen - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2809, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2390, by Committee on Environmental Affairs (originally sponsored by Representatives Rust, Phillips, Jacobsen, Nelson, Valle, Pruitt, Sprenkle, P. King, Heavey, Hine, R. Fisher, Rector, Dellwo, Basich, O'Brien, Spanel, Brekke and Crane) (by request of Governor Gardner)

Regulating hazardous substances and waste.

The bill was read the second time.

MOTIONS

On motion of Senator Metcalf, the following Committee on Environment and Natural Resources amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 177, Laws of 1988 and RCW 70.95C.010 are each amended to read as follows:

The legislature finds that land disposal and incineration of solid and hazardous waste can be both harmful to the environment and costly to those who must dispose of the waste. In order to address this problem in the most cost-effective and environmentally sound manner, and to implement the highest waste management priority as articulated in RCW 70.95.010 and 70.105-.150, public and private efforts should focus on reducing the generation of waste. Waste reduction can be achieved by encouraging voluntary efforts to redesign industrial, commercial, production, and other processes to result in the reduction or elimination of waste byproducts and to maximize the in-process reuse or reclamation of valuable spent material.

In the interest of protecting the public health, safety, and the environment, the legislature declares that it is the policy of the state of Washington to encourage reduction in the use of hazardous substances and reduction in the generation of hazardous waste whenever economically and technically practicable.

The legislature finds that hazardous wastes are generated by numerous different sources including, but not limited to, large and small business, households, and state and local government. The legislature further finds that a goal against which efforts at waste reduction may be measured is essential for an effective hazardous waste reduction program. The pacific northwest hazardous waste advisory council has endorsed a goal of reducing, through hazardous substance use reduction and waste reduction techniques, the generation of hazardous waste by fifty percent by 1995. The legislature adopts this as a policy goal for the state of Washington. The legislature recognizes that many individual businesses have already reduced the generation of hazardous waste through appropriate hazardous waste reduction techniques. The legislature also recognizes that there are some basic industrial processes which by their nature have limited potential for significantly reducing the use of certain raw materials or substantially reducing the generation of hazardous wastes. Therefore, the goal of reducing hazardous waste generation by fifty percent cannot be applied as a regulatory requirement.

Sec. 2. Section 2, chapter 177, Laws of 1988 and RCW 70.95C.020 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise (the definitions in this section apply throughout this chapter).

(1) "Department" means the department of ecology.

(2) "Director" means the director of the department of ecology or the director's designee.

(3) "Dangerous waste" shall have the same definition as set forth in RCW 70.105.010(5) and shall specifically include those wastes designated as dangerous by rules adopted pursuant to chapter 70.105 RCW.

(4) "EPA/state identification number" means the number assigned by the EPA (environmental protection agency) or by the department of ecology to each generator and/or transporter and treatment, storage, and/or disposal facility.

(5) "Extremely hazardous waste" shall have the same definition as set forth in RCW 70.105.010(6) and shall specifically include those wastes designated as extremely hazardous by rules adopted pursuant to chapter 70.105 RCW.

(6) "Fee" means the annual hazardous waste fees imposed under sections 12 and 13 of this act.

(7) "Generate" means any act or process which produces hazardous waste or first causes a hazardous waste to become subject to regulation.

(8) "Hazardous substance" means any hazardous substance listed as a hazardous substance as of the effective date of this section pursuant to section 313 of Title III of the Superfund Amendments and Reauthorization Act, any other substance determined by the director by rule to present a threat to human health or the environment, and all ozone depleting compounds as defined by the Montreal Protocol of October 1987.

(9) (a) "Hazardous substance use reduction" means the reduction, avoidance, or elimination of the use or production of hazardous substances without creating substantial new risks to human health or the environment.

(b) "Hazardous substance use reduction" includes proportionate changes in the usage of hazardous substances as the usage of a hazardous substance or hazardous substances changes as a result of production changes or other business changes.

(10) "Hazardous substance user" means any facility required to report under section 313 of Title III of the Superfund Amendments and Recauthorization Act, except for those facilities which only distribute or use fertilizers or pesticides intended for commercial agricultural applications.

(11) "Hazardous waste" means and includes all dangerous and extremely hazardous wastes, but does not include radioactive wastes or a substance composed of both radioactive and hazardous components and does not include any hazardous waste generated as a result of a remedial action under state or federal law.

(12) "Hazardous waste generator" means any person generating hazardous waste regulated by the department.

(13) "Office" means the office of waste reduction.

((4)) (14) "Plan" means the plan provided for in section 6 of this act.

(15) "Person" means an individual, trust, firm, joint stock company, partnership, association, state, public or private or municipal corporation, commission, political subdivision of a state, interstate body, the federal government, including any agency or officer thereof, and any Indian tribe or authorized tribal organization.

(16) "Process" means all industrial, commercial, production, and other processes that result in the generation of waste.

((5)) (17) "Recycled for beneficial use" means the use of hazardous waste, either before or after reclamation, as a substitute for a commercial product or raw material, but does not include: (a) Use constituting disposal; (b) incineration; or (c) use as a fuel.

(18) "Recycling" means reusing waste materials and extracting valuable materials from a waste stream. Recycling does not include burning for energy recovery.

(19) "Treatment" means the physical, chemical, or biological processing of waste to render it completely innocuous, produce a recyclable by-product, reduce toxicity, or substantially reduce the volume of material requiring disposal as described in the priorities established in RCW 70.105.150. Treatment does not include incineration.

(20) "Waste" means any solid waste as defined under RCW 70.95.030, any hazardous waste ((as defined under RCW 70.105.010(15)), any hazardous substance as defined under RCW 70.105.010(4)), any air contaminant as defined under RCW 70.94.030, and any organic or inorganic matter that shall cause or tend to cause water pollution as defined under RCW 90.48.020.

((6)) (21) "Waste generator" means any individual, business, government agency, or any other organization that generates waste.

((7)) (22) "Waste reduction" means all in-plant practices that reduce, avoid, or eliminate the ((amount or toxicity of waste generated)) generation of wastes or the toxicity of wastes, prior to generation, without creating substantial new risks to human health or the environment. As used in sections 6 through 10 of this 1990 act, "waste reduction" refers to hazardous waste only.

Sec. 3. Section 3, chapter 177, Laws of 1988 and RCW 70.95C.030 are each amended to read as follows:

(1) There is established in the department an office of waste reduction. The office shall use its authorities to encourage the voluntary reduction of ((waste)) hazardous substance usage and waste generation by waste generators and hazardous substance users. The office shall prepare and submit a quarterly progress report to the director and the director shall submit an annual progress report to the appropriate environmental standing committees of the legislature beginning December 31, 1988.

(2) The office shall be the coordinating center for all state agency programs that provide technical assistance to waste generators and hazardous substance users and shall serve as the state's lead agency and promoter for such programs. In addition to this coordinating function, the office shall encourage hazardous substance use reduction and waste reduction by:

(a) Providing for the rendering of advice and consultation to waste generators and hazardous substance users on hazardous substance use reduction and waste reduction techniques, including assistance in preparation of plans provided for in section 6 of this act;

(b) Sponsoring or co-sponsoring with public or private organizations technical workshops and seminars on waste reduction and hazardous substance use reduction;

(c) Administering a waste reduction and hazardous substance use reduction data base and hotline providing comprehensive referral services to waste generators and hazardous substance users;

(d) Administering a waste reduction and hazardous substance use reduction research and development program;

(e) Coordinating a waste reduction and hazardous substance use reduction public education program that includes the utilization of existing publications from public and private sources, as well as publishing necessary new materials on waste reduction;

(f) Recommending to institutions of higher education in the state courses and curricula in areas related to waste reduction and hazardous substance use reduction; and

(g) ~~((Requiring energy and incineration facilities to retain records of monitoring and operating data for a minimum of ten years after permanent closure of the facility))~~ Operating an intern program in cooperation with institutions of higher education and other outside resources to provide technical assistance on hazardous substance use reduction and waste reduction techniques and to carry out research projects as needed within the office.

NEW SECTION, Sec. 4. A new section is added to chapter 70.95 RCW to read as follows:

The department shall require energy recovery and incineration facilities to retain records of monitoring and operation data for a minimum of ten years after permanent closure of the facility.

Sec. 5. Section 4, chapter 177, Laws of 1988 and RCW 70.95C.040 are each amended to read as follows:

(1) The office shall establish a waste reduction and hazardous substance use reduction consultation program to be coordinated with other state waste reduction and hazardous substance use reduction consultation programs.

(2) The director may grant a request by any waste generator or hazardous substance user for advice and consultation on waste reduction and hazardous substance use reduction techniques and assistance in preparation or modification of a plan, executive summary, or annual progress report, or assistance in the implementation of a plan required by section 6 of this act. Pursuant to a request ~~((the director may visit any))~~ from a facility such as a business, governmental entity, or other process site in the state, the director may visit the facility making the request for the purposes of observing hazardous substance use and the waste-generating process, obtaining information relevant to waste reduction and hazardous substance use reduction, rendering advice, and making recommendations. No such visit may be regarded as an inspection or investigation, and no notices or citations may be issued, or civil penalty be assessed, upon such a visit. ~~((No))~~ A representative of the director ((designated to render)) providing advisory or consultative services under this section may not have any enforcement authority.

(3) Consultation and advice given under this section shall be limited to the matters specified in the request and shall include specific techniques of waste reduction and hazardous substance use reduction tailored to the relevant process. In granting any request for advisory or consultative services, the director may provide for an alternative means of affording consultation and advice other than on-site consultation.

(4) Any proprietary information obtained by the director while carrying out the duties required under this section shall remain confidential and shall not be publicized or become part of the data base established under RCW 70.95C.060 without written permission of the requesting party.

NEW SECTION, Sec. 6. A new section is added to chapter 70.95C RCW to read as follows:

(1) Each hazardous waste generator who generates more than two thousand six hundred forty pounds of hazardous waste per year and each hazardous substance user, except for those facilities that are primarily permitted treatment, storage, and disposal facilities or recycling facilities, shall prepare a plan for the voluntary reduction of the use of hazardous substances and the generation of hazardous wastes. Hazardous waste generated and recycled for beneficial use, including initial amount of hazardous substances introduced into a process and subsequently recycled for beneficial use, shall not be used in the calculation of hazardous waste generated for purposes of this section. The department may develop reporting requirements, consistent with existing reporting, to establish recycling for beneficial use under this section. A person with multiple interrelated facilities where the processes in the facilities are substantially similar, may prepare a single plan covering one or more of those facilities.

(2) Each user or generator required to write a plan is encouraged to advise its employees of the planning process and solicit comments or suggestions from its employees on hazardous substance use and waste reduction options.

(3) The department shall adopt by April 1, 1991, rules for preparation of plans. The rules shall require the plan to address the following options, according to the following order of priorities: Hazardous substance use reduction, waste reduction, recycling, and treatment. In the planning process, first consideration shall be given to hazardous substance use reduction and waste reduction options. Consideration shall be given next to recycling options. Recycling options may be considered only after hazardous substance use reduction options and waste reduction options have been thoroughly researched and shown to be inappropriate. Treatment options may be considered only after hazardous substance use reduction, waste reduction, and recycling options have been thoroughly researched and shown to be inappropriate. Documentation of the research shall be available to the department upon request. The rules shall also require the plans to discuss the hazardous substance use reduction, waste reduction, and closed loop recycling options separately from other recycling and treatment options. All plans shall be written in conformance with the format prescribed in the rules adopted under this section. The rules shall require the plans to include, but not be limited to:

(a) A written policy articulating management and corporate support for the plan and a commitment to implementing planned activities and achieving established goals;

(b) The plan scope and objectives;

(c) Analysis of current hazardous substance use and hazardous waste generation, and a description of current hazardous substance use reduction, waste reduction, recycling, and treatment activities;

(d) An identification of further hazardous substance use reduction, waste reduction, recycling, and treatment opportunities, and an analysis of the amount of hazardous substance use reduction and waste reduction that would be achieved, and the costs. The analysis of options shall demonstrate that the priorities provided for in this section have been followed;

(e) A selection of options to be implemented in accordance with the priorities established in this section;

(f) An analysis of impediments to implementing the options. Impediments that shall be considered acceptable include, but are not limited to: Adverse impacts on product quality, legal or contractual obligations, economic practicality, and technical feasibility;

(g) A written policy stating that in implementing the selected options, whenever technically and economically practicable, risks will not be shifted from one part of a process, environmental media, or product to another;

(h) Specific performance goals in each of the following categories, expressed in numeric terms:

(i) Hazardous substances to be reduced or eliminated from use;

(ii) Wastes to be reduced or eliminated through waste reduction techniques;

(iii) Materials or wastes to be recycled; and

(iv) Wastes to be treated;

If the establishment of numeric performance goals is not practicable, the performance goals shall include a clearly stated list of objectives designed to lead to the establishment of numeric goals as soon as is practicable. Goals shall be set for a five-year period from the first reporting date;

(i) A description of how the wastes that are not recycled or treated and the residues from recycling and treatment processes are managed may be included in the plan;

(j) Hazardous substance use and hazardous waste accounting systems that identify hazardous substance use and waste management costs and factor in liability, compliance, and oversight costs;

(k) A financial description of the plan;

(l) Personnel training and employee involvement programs;

(m) A five-year plan implementation schedule;

(n) Documentation of hazardous substance use reduction and waste reduction efforts completed before or in progress at the time of the first reporting date; and

(o) An executive summary of the plan, which shall include, but not be limited to:

(i) The information required by (c), (e), (h), and (n) of this subsection; and

(ii) A summary of the information required by (d) and (f) of this subsection.

(4) Upon completion of a plan, the owner, chief executive officer, or other person with the authority to commit management to the plan shall sign and submit an executive summary of the plan to the department.

(5) Plans shall be completed and executive summaries submitted in accordance with the following schedule:

(a) Hazardous waste generators who generated more than fifty thousand pounds of hazardous waste in calendar year 1991 and hazardous substance users who were required to report in 1991, by September 1, 1992;

(b) Hazardous waste generators who generated between seven thousand and fifty thousand pounds of hazardous waste in calendar year 1992 and hazardous substance users who were required to report for the first time in 1992, by September 1, 1993;

(c) Hazardous waste generators who generated between two thousand six hundred forty and seven thousand pounds of hazardous waste in 1993 and hazardous substance users who were required to report for the first time in 1993, by September 1, 1994;

(d) Hazardous waste generators who have not been required to complete a plan on or prior to September 1, 1994, must complete a plan by September 1 of the year following the first year that they generate more than two thousand six hundred forty pounds of hazardous waste; and

(e) Hazardous substance users who have not been required to complete a plan on or prior to September 1, 1994, must complete a plan by September 1 of the year following the first year that they are required to report under Section 313 of Title III of the Superfund Amendments and Reauthorization Act.

(6) Annual progress reports, including a description of the progress made toward achieving the specific performance goals established in the plan, shall be prepared and submitted to the department in accordance with rules developed under this section. Upon the request of two or more users or generators belonging to similar industrial classifications, the department may aggregate data contained in their annual progress reports for the purpose of developing a public record.

(7) Every five years, each plan shall be updated, and a new executive summary shall be submitted to the department.

NEW SECTION, Sec. 7. A new section is added to chapter 70.95C RCW to read as follows:

A person required to prepare a plan under section 6 of this act because of the quantity of hazardous waste generated may petition the director to be excused from this requirement. The person must demonstrate to the satisfaction of the director that the quantity of hazardous waste generated was due to unique circumstances not likely to be repeated and that the person is unlikely to generate sufficient hazardous waste to require a plan in the next five years.

NEW SECTION, Sec. 8. A new section is added to chapter 70.95C RCW to read as follows:

(1) The department may review a plan, executive summary, or an annual progress report to determine whether the plan, executive summary, or annual progress report is adequate pursuant to the rules developed under this section and with the provisions of section 6 of this act. In determining the adequacy of any plan, executive summary, or annual progress report, the department shall base its determination solely on whether the plan, executive summary, or annual progress report is complete and prepared in accordance with the provisions of section 6 of this act.

(2) Plans developed under section 6 of this act shall be retained at the facility of the hazardous substance user or hazardous waste generator preparing a plan. The plan is not a public record under the public disclosure laws of the state of Washington contained in chapter 42.17 RCW. A user or generator required to prepare a plan shall permit the director or a representative of the director to review the plan to determine its adequacy. No visit made by the director or a representative of the director to a facility for the purposes of this subsection may be regarded as an inspection or investigation, and no notices or citations may be issued, nor any civil penalty assessed, upon such a visit.

(3) If a hazardous substance user or hazardous waste generator fails to complete an adequate plan, executive summary, or annual progress report, the department shall notify the user or generator of the inadequacy, identifying specific deficiencies. For the purposes of this section, a deficiency may include failure to develop a plan, failure to submit an executive summary pursuant to the schedule provided in section 6(5) of this act, and failure to submit an annual progress report pursuant to the rules developed under section 6(6) of this act. The department shall specify a reasonable time frame, of not less than ninety days, within which the user or generator shall complete a modified plan, executive summary, or annual progress report addressing the specified deficiencies.

(4) If the department determines that a modified plan, executive summary, or annual progress report is inadequate, the department may, within its discretion, either require further modification or enter an order pursuant to subsection (5)(a) of this section.

(5)(a) If, after having received a list of specified deficiencies from the department, a hazardous substance user or hazardous waste generator required to prepare a plan fails to complete modification of a plan, executive summary, or annual progress report within the time period specified by the department, the department may enter an order pursuant to chapter 34.05 RCW finding the user or generator not in compliance with the requirements of section 6 of this act. When the order is final, the department shall notify the department of revenue to charge a penalty fee. The penalty fee shall be the greater of one thousand dollars or three times the amount of the user's or generator's previous year's fee, in addition to the current year's fee. If no fee was assessed the previous year, the penalty shall be the greater of one thousand dollars or three times the amount of the current year's fee. The penalty assessed under this subsection shall be collected each year after the year for which the penalty was assessed until an adequate plan or executive summary is completed.

(b) If a hazardous substance user or hazardous waste generator required to prepare a plan fails to complete an adequate plan, executive summary, or annual progress report after the department has levied against the user or generator the penalty provided in (a) of this subsection, the user or generator shall be required to pay a surcharge to the department whenever the user or generator disposes of a hazardous waste at any hazardous waste incinerator or hazardous waste landfill facility located in Washington state, until a plan, executive summary, or annual progress report is completed and determined to be adequate by the department. The surcharge shall be equal to three times the fee charged for disposal. The department shall furnish the incinerator and landfill facilities in this state with a list of environmental protection agency/state identification numbers of the hazardous waste generators that are not in compliance with the requirements of section 6 of this act.

NEW SECTION, Sec. 9. A new section is added to chapter 70.95C RCW to read as follows:

A user or generator may appeal from a department order or a surcharge under section 8 of this act to the pollution control hearings board pursuant to chapter 43.21B RCW.

NEW SECTION, Sec. 10. A new section is added to chapter 70.95C RCW to read as follows:

(1) The department shall make available for public inspection any executive summary or annual progress report submitted to the department. Any hazardous substance user or hazardous waste generator required to prepare an executive summary or annual progress report who believes that disclosure of any information contained in the executive summary or annual progress report may adversely affect the competitive position of the user or generator may request the department pursuant to RCW 43.21A.160 to delete from the public record those portions of the executive summary or annual progress report that may affect the user's or

generator's competitive position. The department shall not disclose any information contained in an executive summary or annual progress report pending a determination of whether the department will delete any information contained in the report from the public record.

(2) Any ten persons residing within ten miles of a hazardous substance user or hazardous waste generator required to prepare a plan may file with the department a petition requesting the department to examine a plan to determine its adequacy. The department shall report its determination of adequacy to the petitioners and to the user or generator within a reasonable time. The department may deny a petition if the department has within the previous year determined the plan of the user or generator named in the petition to be adequate.

(3) The department shall maintain a record of each plan, executive summary, or annual progress report if reviews, and a list of all plans, executive summaries, or annual progress reports the department has determined to be inadequate, including descriptions of corrective actions taken. This information shall be made available to the public.

NEW SECTION. Sec. 11. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Dangerous waste" shall have the same definition as set forth in RCW 70.105.010(5) and shall include those wastes designated as dangerous by rules adopted pursuant to chapter 70.105 RCW.

(2) "Department" means the department of ecology.

(3) "EPA/state identification number" means the number assigned by the EPA (environmental protection agency) or by the department of ecology to each generator and/or transporter and treatment, storage, and/or disposal facility.

(4) "Extremely hazardous waste" shall have the same definition as set forth in RCW 70.105.010(6) and shall specifically include those wastes designated as extremely hazardous by rules adopted pursuant to chapter 70.105 RCW.

(5) "Fee" means the annual fees imposed under this chapter.

(6) "Generate" means any act or process which produces hazardous waste or first causes a hazardous waste to become subject to regulation.

(7) "Hazardous waste" means and includes all dangerous and extremely hazardous wastes but for the purposes of this chapter excludes all radioactive wastes or substances composed of both radioactive and hazardous components.

(8) "Known generators" means persons that have notified the department, have received an EPA/state identification number and generate quantities of hazardous wastes regulated under chapter 70.105 RCW.

(9) "Person" means an individual, trust, firm, joint stock company, partnership, association, state, public or private or municipal corporation, commission, political subdivision of a state, interstate body, the federal government including any agency or officer thereof, and any Indian tribe or authorized tribal organization.

(10) "Potential generators" means all persons whose primary business activities are identified by the department to be likely to generate any quantity of hazardous wastes.

(11) "Price deflator" means the United States department of commerce bureau of economic analysis, "Implicit Price Deflator for Gross National Product" for "Government Purchases of Goods and Services," for "State and Local Government."

(12) "Recycled for beneficial use" means the use of hazardous waste, either before or after reclamation, as a substitute for a commercial product or raw material, but does not include: (a) Use constituting disposal; (b) incineration; or (c) use as a fuel.

(13) "Waste generation site" means any geographical area that has been assigned an EPA/state identification number.

NEW SECTION. Sec. 12. A fee is imposed for the privilege of generating or potentially generating hazardous waste in the state. The annual amount of the fee shall be thirty-five dollars upon every known generator or potential generator doing business in Washington in the current calendar year or any part thereof. This fee shall be collected by the department of revenue. A potential generator shall be exempt from the fee imposed under this section if the potential generator is entitled to the exemption in RCW 82.04.300 in the current calendar year. The department shall, subject to appropriation, use the funds collected from the fees assessed in this subsection to support the activities of the office of waste reduction as specified in RCW 70.95C.030. The fee imposed pursuant to this section shall be first due on July 31, 1990, for any generator or potential generator operating in Washington from the effective date of this act to December 31, 1990, or any part thereof.

NEW SECTION. Sec. 13. (1) Hazardous waste generators and hazardous substance users required to prepare plans under section 6 of this act shall pay an additional fee to support implementation of section 6 of this act and RCW 70.95C.040. These fees are to be used by the department, subject to appropriation, for plan review, technical assistance to facilities that are required to prepare plans, other activities related to plan development and implementation, and associated indirect costs. The total fees collected under this subsection shall not exceed the department's costs of implementing section 6 of this act and RCW 70.95C.040 and shall not exceed one million dollars per year. The annual fee for a facility shall not exceed ten thousand dollars per year. Any facility that generates less than two thousand six hundred forty pounds of

hazardous waste per waste generation site in the previous calendar year shall be exempt from the fee imposed by this section. The annual fee for a facility generating at least two thousand six hundred forty pounds but not more than four thousand pounds of hazardous waste per waste generation site in the previous calendar year shall not exceed fifty dollars. A person that develops a plan covering more than one interrelated facility as provided for in section 6 of this act shall be assessed fees only for the number of plans prepared. The department shall adopt a fee schedule by rule after consultation with typical affected businesses and other interested parties. Hazardous waste generated and recycled for beneficial use, including initial amount of hazardous substances introduced into a process and subsequently recycled for beneficial use, shall not be used in the calculations of hazardous waste generated for purposes of this section.

(2) Fees imposed by this section shall be first due on July 1, 1991, for facilities that are required to prepare plans in 1992, on July 1, 1992, for facilities that are required to prepare plans in 1993, and on July 1, 1993, for facilities that are required to prepare plans in 1994.

NEW SECTION. Sec. 14. On an annual basis, the department shall adjust the fees provided for in sections 12 and 13 of this act, including the maximum annual fee, and maximum total fees, by conducting the calculation in subsection (1) of this section and taking the actions set forth in subsection (2) of this section:

(1) In November of each year, the fees, annual fee, and maximum total fees imposed in sections 12 and 13 of this act, or as subsequently adjusted by this section, shall be multiplied by a factor equal to the most current quarterly "price deflator" available, divided by the "price deflator" used in the numerator the previous year. However, the "price deflator" used in the denominator for the first adjustment shall be defined by the second quarter "price deflator" for 1990.

(2) Each year by March 1 the fee schedule, as adjusted in subsection (1) of this section will be published. The department will round the published fees to the nearest dollar.

NEW SECTION. Sec. 15. In administration of this chapter for the enforcement and collection of the fees due and owing under this chapter, the department of revenue is authorized to apply the provisions of chapter 82.32 RCW, except that the provisions of RCW 82.32.050 and 82.32.090 shall not apply.

NEW SECTION. Sec. 16. If a known or potential generator fails to pay all or any part of a fee imposed under this chapter, the department of revenue shall charge a penalty of three times the amount of the unpaid fee. The department of revenue shall waive any penalty in accordance with RCW 82.32.105.

NEW SECTION. Sec. 17. The legislative budget committee in 1994 shall review the fees provided for in chapter 70.____ (sections 11 through 20 of this act) and report its findings to the legislature not later than July 1, 1995.

NEW SECTION. Sec. 18. The hazardous waste assistance account is hereby created in the state treasury. The following moneys shall be deposited into the hazardous waste assistance account:

(1) Those revenues which are raised by the fees imposed under sections 12 and 13 of this act;

(2) Penalties and surcharges collected under chapter 70.95C RCW and this chapter; and

(3) Any other moneys appropriated or transferred to the account by the legislature. All earnings from investment of balances in the hazardous waste assistance account, except as provided in RCW 43.84.090, shall be credited to the hazardous waste assistance account. Moneys in the hazardous waste assistance account may be spent only for the purposes of this chapter following legislative appropriation.

NEW SECTION. Sec. 19. The department may use funds in the hazardous waste assistance account to provide technical assistance and compliance education assistance to hazardous substance users and waste generators, to provide grants to local governments, and for administration of this chapter. The department of revenue shall be appropriated a percentage amount of the total fees collected, not to exceed two percent of the total fees collected, for administration and collection expenses incurred by the department of revenue.

Technical assistance may include the activities authorized under chapter 70.95C RCW and RCW 70.105.170 to encourage hazardous waste reduction and hazardous use reduction and the assistance provided for by RCW 70.105.100(2).

Compliance education may include the activities authorized under RCW 70.105.100(2) to train local agency officials and to inform hazardous substance users and hazardous waste generators and owners and operators of hazardous waste management facilities of the requirements of chapter 70.105 RCW and related federal laws and regulations.

Grants to local governments shall be used for small quantity generator technical assistance and compliance education components of their moderate risk waste plans as required by RCW 70.105.220.

NEW SECTION. Sec. 20. Nothing in this chapter relates to radioactive wastes or substances composed of both radioactive and hazardous components, and the department is precluded from using the funds of the hazardous waste assistance account for the regulation and control of such wastes.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.010;
- (2) Section 2, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.020;
- (3) Section 3, chapter 65, Laws of 1983 1st ex. sess., section 129, chapter 7, Laws of 1985 and RCW 70.105A.030;
- (4) Section 4, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.040;
- (5) Section 5, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.050;
- (6) Section 6, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.060;
- (7) Section 7, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.070;
- (8) Section 8, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.080;
- (9) Section 13, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.090;
- (10) Section 9, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.900; and
- (11) Section 15, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.905.

NEW SECTION. Sec. 22. Sections 11 through 20 of this act shall constitute a new chapter in Title 70 RCW.

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

NEW SECTION. Sec. 24. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Metcalf, the following title amendment was adopted:

On page 1, line 2 of the title, after "waste;" strike the remainder of the title and insert "amending RCW 70.95C.010, 70.95C.020, 70.95C.030, and 70.95C.040; adding a new section to chapter 70.95 RCW; adding new sections to chapter 70.95C RCW; adding a new chapter to Title 70 RCW; repealing RCW 70.105A.010, 70.105A.020, 70.105A.030, 70.105A.040, 70.105A.050, 70.105A.060, 70.105A.070, 70.105A.080, 70.105A.090, 70.105A.900, and 70.105A.905; and declaring an emergency."

MOTION

On motion of Senator Metcalf, Engrossed Substitute House Bill No. 2390, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2390, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2390, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amundson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Sealing, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Hansen - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2390, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2492, by Representatives Appelwick, Van Luven, Ferguson, H. Sommers, Leonard, Crane, Miller, O'Brien, Cole, May, Anderson, Betrozoff, Wineberry and P. King

Authorizing the appointment of district court judges as pro tempore judges in cities over 400,000 population.

The bill was read the second time.

MOTION

On motion of Senator Nelson, House Bill No. 2492 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2492.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2492 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Newhouse - 1.

Excused: Senator Hansen - 1.

HOUSE BILL NO. 2492, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6897, by Senators Patterson, Bender and Murray

Funding a headquarters facility for the department of transportation.

The bill was read the second time.

MOTION

On motion of Senator Nelson, Senate Bill No. 6897 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

PARLIAMENTARY INQUIRY

Senator Nelson: "A parliamentary inquiry, Mr. President, since this is an up front loan to begin with, but subsequently a bond sale, would you advise the body as to how many votes will be necessary to pass this measure?"

REPLY BY THE PRESIDENT

President Pritchard: "Thirty votes will be necessary."

MOTION

On motion of Senator Anderson, Senator Newhouse was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6897.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6897 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Hansen, Newhouse - 2.

SENATE BILL NO. 6897, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327, by Committee on State Government (originally sponsored by Representatives Silver, H. Sommers, Schoon, Holland, McLean, Fuhrman and Smith) (by request of Legislative Budget Committee)

Changing provisions relating to sunset review of programs and agencies.

The bill was read the second time.

MOTIONS

Senator McCaslin moved that the following Committee on Governmental Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 289, Laws of 1977 ex. sess. and RCW 43.131.010 are each amended to read as follows:

This chapter may be known and cited as the Washington Sunset Act ~~((of 1977))~~.

Sec. 2. Section 5, chapter 289, Laws of 1977 ex. sess. as amended by section 1, chapter 22, Laws of 1979 and RCW 43.131.050 are each amended to read as follows:

The legislative budget committee shall cause to be conducted a program and fiscal review of ~~((each))~~ any state agency or program scheduled for termination by the processes provided in this chapter. Such program and fiscal review shall be completed and a preliminary report prepared on or before June 30th of the year prior to the date established for termination. Upon completion of its preliminary report, the legislative budget committee shall transmit copies of the report to the office of financial management. The office of financial management may then conduct its own program and fiscal review of the agency scheduled for termination and shall prepare a report on or before September 30th of the year prior to the date established for termination. Upon completion of its report the office of financial management shall transmit copies of its report to the legislative budget committee. The legislative budget committee shall prepare a final report that includes the reports of both the office of financial management and the legislative budget committee. The legislative budget committee and the office of financial management shall, upon request, make available to each other all working papers, studies, and other documents which relate to reports required under this section. The legislative budget committee shall transmit the final report to ~~((all members of))~~ the legislature, to the state agency concerned, to the governor, and to the state library.

Sec. 3. Section 24, chapter 197, Laws of 1983 as last amended by section 4, chapter 288, Laws of 1988 and RCW 43.131.301 are each amended to read as follows:

The nursing home advisory council and its powers and duties shall be terminated on June 30, ~~((1991))~~ 1992, as provided in RCW 18.51.--- (RCW 43.131.302 as recodified by this act).

Sec. 4. Section 50, chapter 197, Laws of 1983 as last amended by section 5, chapter 288, Laws of 1988 and RCW 43.131.302 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1992))~~ 1993:

(1) Section 11, chapter 117, Laws of 1951, section 1, chapter 85, Laws of 1971 ex. sess., section 65, chapter 211, Laws of 1979 ex. sess., section 39, chapter 287, Laws of 1984 and RCW 18.51.100; and

(2) Section 12, chapter 117, Laws of 1951, section 66, chapter 211, Laws of 1979 ex. sess. and RCW 18.51.110.

Sec. 5. Section 25, chapter 197, Laws of 1983 as last amended by section 6, chapter 288, Laws of 1988 and RCW 43.131.303 are each amended to read as follows:

The emergency medical services committee and its powers and duties shall be terminated on June 30, ~~((1991))~~ 1992, as provided in RCW 18.73.--- (RCW 43.131.304 as recodified by this act).

Sec. 6. Section 51, chapter 197, Laws of 1983 as last amended by section 7, chapter 288, Laws of 1988 and RCW 43.131.304 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1992))~~ 1993:

(1) Section 4, chapter 208, Laws of 1973 1st ex. sess., section 43, chapter 34, Laws of 1975-'76 2nd ex. sess., section 2, chapter 261, Laws of 1979 ex. sess., section 13, chapter 338, Laws of 1981, section 55, chapter 279, Laws of 1984 and RCW 18.73.040; and

(2) Section 5, chapter 208, Laws of 1973 1st ex. sess., section 3, chapter 261, Laws of 1979 ex. sess., section 3, chapter 214, Laws of 1987 and RCW 18.73.050.

Sec. 7. Section 5, chapter 261, Laws of 1984 as last amended by section 2, chapter 304, Laws of 1989 and RCW 43.131.319 are each amended to read as follows:

The Washington council for the prevention of child abuse and neglect and its powers and duties shall be terminated on June 30, 1994, as provided in RCW 43.121.--- (RCW 43.131.320 as recodified by this act).

Sec. 8. Section 94, chapter 1279, Laws of 1984 as last amended by section 8, chapter 288, Laws of 1988 and RCW 43.131.323 are each amended to read as follows:

The powers and duties of the examining board of psychology shall be terminated on June 30, ~~((1994))~~ 1995, as provided in section 9 of this act.

NEW SECTION. Sec. 9. A new section is added to chapter 18.83 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1996:

(1) Section 76, chapter 279, Laws of 1984, section 2, chapter 27, Laws of 1986, section 1, chapter 226, Laws of 1989 and RCW 18.83.035;

(2) Section 77, chapter 279, Laws of 1984 and RCW 18.83.045;

(3) Section 5, chapter 305, Laws of 1955, section 5, chapter 70, Laws of 1965, section 78, chapter 279, Laws of 1984, section 3, chapter 27, Laws of 1986 and RCW 18.83.050; and

(4) Section 21, chapter 70, Laws of 1965, section 19, chapter 199, Laws of 1969 ex. sess., section 48, chapter 34, Laws of 1975-'76 2nd ex. sess., section 10, chapter 168, Laws of 1983, section 48, chapter 287, Laws of 1984 and RCW 18.83.051.

Sec. 10. Section 16, chapter 348, Laws of 1987 and RCW 43.131.343 are each amended to read as follows:

The business assistance center and its powers and duties shall be terminated on June 30, ~~((1992))~~ 1993, as provided in RCW 43.31.---(RCW 43.131.344 as recodified by this act).

Sec. 11. Section 17, chapter 348, Laws of 1987 and RCW 43.131.344 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1993))~~ 1994:

(1) Section 2, chapter 348, Laws of 1987 and RCW 43.31.083;

(2) Section 11, chapter 466, Laws of 1985, section 3, chapter 348, Laws of 1987, section 2, chapter 430, Laws of 1989 and RCW 43.31.085;

(3) Section 4, chapter 348, Laws of 1987 and RCW 43.31.087; and

(4) Section 5, chapter 348, Laws of 1987 and RCW 43.31.089.

Sec. 12. Section 21, chapter 447, Laws of 1987 and RCW 43.131.351 are each amended to read as follows:

The Washington state naturopathic practice advisory committee and its powers and duties shall be terminated on June 30, ~~((1993))~~ 1994, as provided in RCW 18.36A.---(RCW 43.131.352 as recodified by this act).

Sec. 13. Section 22, chapter 447, Laws of 1987 and RCW 43.131.352 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1994))~~ 1995:

(1) Section 1, chapter 447, Laws of 1987 and RCW 18.36A.010;

(2) Section 2, chapter 447, Laws of 1987 and RCW 18.36A.030;

(3) Section 3, chapter 447, Laws of 1987, section 1, chapter 246, Laws of 1988 and RCW 18.36A.040;

(4) Section 4, chapter 447, Laws of 1987 and RCW 18.36A.020;

(5) Section 5, chapter 447, Laws of 1987 and RCW 18.36A.050;

(6) Section 6, chapter 447, Laws of 1987 and RCW 18.36A.060;

(7) Section 7, chapter 447, Laws of 1987 and RCW 18.36A.070;

(8) Section 8, chapter 447, Laws of 1987 and RCW 18.36A.080;

(9) Section 9, chapter 447, Laws of 1987 and RCW 18.36A.090;

(10) Section 10, chapter 447, Laws of 1987 and RCW 18.36A.100;

(11) Section 11, chapter 447, Laws of 1987 and RCW 18.36A.110;

(12) Section 12, chapter 447, Laws of 1987 and RCW 18.36A.120;

(13) Section 13, chapter 447, Laws of 1987 and RCW 18.36A.130; and

(14) Section 14, chapter 447, Laws of 1987 and RCW 18.36A.140.

Sec. 14. Section 25, chapter 512, Laws of 1987 and RCW 43.131.357 are each amended to read as follows:

The regulation of counselors, social workers, mental health counselors, and marriage and family counselors under chapter 18.19 RCW shall be terminated on June 30, ~~((1993))~~ 1994, as provided in RCW 18.19.---(RCW 43.131.358 as recodified by this act).

Sec. 15. Section 26, chapter 512, Laws of 1987 and RCW 43.131.358 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1994))~~ 1995:

(1) Section 1, chapter 512, Laws of 1987 and RCW 18.19.010;

(2) Section 2, chapter 512, Laws of 1987 and RCW 18.19.030;

(3) Section 3, chapter 512, Laws of 1987 and RCW 18.19.020;

(4) Section 4, chapter 512, Laws of 1987 and RCW 18.19.040;

(5) Section 5, chapter 512, Laws of 1987 and RCW 18.19.050;

(6) Section 6, chapter 512, Laws of 1987 and RCW 18.19.060;

(7) Section 7, chapter 512, Laws of 1987 and RCW 18.19.070;

(8) Section 8, chapter 512, Laws of 1987 and RCW 18.19.080;

(9) Section 9, chapter 512, Laws of 1987 and RCW 18.19.090;

(10) Section 10, chapter 512, Laws of 1987 and RCW 18.19.100;

(11) Section 11, chapter 512, Laws of 1987 and RCW 18.19.180;

(12) Section 12, chapter 512, Laws of 1987 and RCW 18.19.110;

(13) Section 13, chapter 512, Laws of 1987 and RCW 18.19.120;

(14) Section 14, chapter 512, Laws of 1987 and RCW 18.19.130;

(15) Section 15, chapter 512, Laws of 1987 and RCW 18.19.170;

(16) Section 16, chapter 512, Laws of 1987 and RCW 18.19.150;

(17) Section 17, chapter 512, Laws of 1987 and RCW 18.19.140;

(18) Section 18, chapter 512, Laws of 1987 and RCW 18.19.190;

(19) Section 19, chapter 512, Laws of 1987 and RCW 18.19.160; and

(20) Section 20, chapter 512, Laws of 1987 and RCW 18.19.900.

NEW SECTION. Sec. 16. A new section is added to chapter 18.06 RCW to read as follows:

The regulation of acupuncture practice under this chapter shall be terminated on June 30, 1992, as provided in section 17 of this act.

NEW SECTION. Sec. 17. A new section is added to chapter 18.06 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1993:

(1) Section 1, chapter 326, Laws of 1985 and RCW 18.06.010;

(2) Section 2, chapter 326, Laws of 1985 and RCW 18.06.020;

(3) Section 3, chapter 326, Laws of 1985 and RCW 18.06.030;

(4) Section 4, chapter 326, Laws of 1985 and RCW 18.06.040;

(5) Section 5, chapter 326, Laws of 1985, section 15, chapter 447, Laws of 1987 and RCW 18.06.050;

(6) Section 6, chapter 326, Laws of 1985 and RCW 18.06.060;

(7) Section 7, chapter 326, Laws of 1985 and RCW 18.06.070;

(8) Section 8, chapter 326, Laws of 1985 and RCW 18.06.080;

(9) Section 9, chapter 326, Laws of 1985 and RCW 18.06.090;

(10) Section 10, chapter 326, Laws of 1985 and RCW 18.06.100;

(11) Section 11, chapter 326, Laws of 1985, section 9, chapter 150, Laws of 1987 and RCW 18.06.110;

(12) Section 12, chapter 326, Laws of 1985 and RCW 18.06.120;

(13) Section 13, chapter 326, Laws of 1985 and RCW 18.06.130;

(14) Section 14, chapter 326, Laws of 1985 and RCW 18.06.140;

(15) Section 15, chapter 326, Laws of 1985 and RCW 18.06.150;

(16) Section 16, chapter 326, Laws of 1985 and RCW 18.06.160;

(17) Section 17, chapter 326, Laws of 1985 and RCW 18.06.170;

(18) Section 18, chapter 326, Laws of 1985 and RCW 18.06.180;

(19) Section 19, chapter 326, Laws of 1985 and RCW 18.06.190;

(20) Section 20, chapter 326, Laws of 1985 and RCW 18.06.200; and

(21) Section 21, chapter 326, Laws of 1985 and RCW 18.06.210.

Sec. 18. Section 1, chapter 239, Laws of 1949 as last amended by section 1, chapter 185, Laws of 1988 and RCW 18.74.010 are each amended to read as follows:

Unless the context otherwise requires, the definitions in this section apply throughout this chapter.

(1) "Board" means the board of physical therapy created by RCW 18.74.020.

(2) "Department" means the department of licensing.

(3) "Director" means the director of licensing.

(4) "Physical therapy" means the treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, cold, air, light, water, electricity, sound, massage, and therapeutic exercise, which includes posture and rehabilitation procedures; the performance of tests and measurements of neuromuscular function as an aid to the diagnosis or treatment of any human condition; performance of treatments on the basis of test findings after consultation with and periodic review by an authorized health care practitioner (~~except as provided in RCW 18.74.012 until June 30, 1991~~); supervision of selective forms of treatment by trained supportive personnel; and provision of consultative services for health, education, and community agencies. The use of Roentgen rays and radium for diagnostic and therapeutic purposes, the use of electricity for surgical purposes, including cauterization, and the use of spinal manipulation or manipulative mobilization of the spine and its immediate articulations, are not included under the term "physical therapy" as used in this chapter.

(5) "Physical therapist" means a person who practices physical therapy as defined in this chapter but does not include massage operators as defined in RCW 18.108.010.

(6) Words importing the masculine gender may be applied to females.

(7) "Authorized health care practitioner" means and includes licensed physicians, osteopathic physicians, chiropractors, naturopaths, podiatrists, and dentists: PROVIDED, HOWEVER, That nothing herein shall be construed as altering the scope of practice of such practitioners as defined in their respective licensure laws.

NEW SECTION. Sec. 19. Section 18 of this act shall take effect June 30, 1991.

Sec. 20. Section 2, chapter 185, Laws of 1988 and RCW 18.74.012 are each amended to read as follows:

Notwithstanding the provisions of RCW 18.74.010(4), a consultation and periodic review by an authorized health care practitioner is not required for treatment of neuromuscular or musculoskeletal conditions: PROVIDED, That a physical therapist may only provide treatment utilizing or those that support, align, prevent, or correct any structural problems intrinsic to the foot

or ankle by referral or consultation from an authorized health care practitioner. ~~((The legislative budget committee shall review whether the practices authorized under this section shall be continued and shall report to the legislature by January 1, 1991.))~~

This section shall expire June 30, 1991.

NEW SECTION. Sec. 21. A new section is added to chapter 43.131 RCW to read as follows:

The powers and duties of the school director's association shall be terminated on June 30, 1998, as provided in section 20 of this act.

NEW SECTION. Sec. 22. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1999:

- (1) Section 28A.61.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.010;
- (2) Section 28A.61.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.020;
- (3) Section 28A.61.030, chapter 223, Laws of 1969 ex. sess., section 4, chapter 184, Laws of 1969 ex. sess., section 1, chapter 101, Laws of 1974 ex. sess., section 13, chapter 151, Laws of 1979, section 1, chapter 187, Laws of 1983, section 1, chapter 325, Laws of 1989 and RCW 28A.61.030;
- (4) Section 28A.61.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.040;
- (5) Section 28A.61.050, chapter 223, Laws of 1969 ex. sess., section 2, chapter 125, Laws of 1969, section 2, chapter 187, Laws of 1983 and RCW 28A.61.050; and
- (6) Section 4, chapter 187, Laws of 1983, section 3, chapter 158, Laws of 1986 and RCW 28A.61.070.

NEW SECTION. Sec. 23. A new section is added to chapter 53.31 RCW to read as follows:

The authorization of export trading companies under this chapter shall be terminated on June 30, 1994, as provided in section 22 of this act.

NEW SECTION. Sec. 24. A new section is added to chapter 53.31 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1995:

- (1) Section 1, chapter 276, Laws of 1986 and RCW 53.31.010;
- (2) Section 2, chapter 276, Laws of 1986 and RCW 53.31.020;
- (3) Section 3, chapter 276, Laws of 1986 and RCW 53.31.030;
- (4) Section 4, chapter 276, Laws of 1986, section 23, chapter 11, Laws of 1989 and RCW 53.31.040;
- (5) Section 5, chapter 276, Laws of 1986 and RCW 53.31.050; and
- (6) Section 6, chapter 276, Laws of 1986 and RCW 53.31.060.

NEW SECTION. Sec. 25. A new section is added to chapter 67.16 RCW to read as follows:

The regulation of parimutuel wagering at satellite locations under RCW 67.16.200 through 67.16.230 shall be terminated on June 30, 1992, as provided in section 24 of this act.

NEW SECTION. Sec. 26. A new section is added to chapter 67.16 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1993:

- (1) Section 1, chapter 347, Laws of 1987 and RCW 67.16.200;
- (2) Section 5, chapter 347, Laws of 1987 and RCW 67.16.210;
- (3) Section 6, chapter 347, Laws of 1987 and RCW 67.16.220; and
- (4) Section 7, chapter 347, Laws of 1987 and RCW 67.16.230.

NEW SECTION. Sec. 27. The following acts or parts of acts are each repealed:

- (1) Section 22, chapter 326, Laws of 1985 and RCW 18.06.900;
- (2) Section 23, chapter 326, Laws of 1985 and RCW 18.06.901;
- (3) Section 19, chapter 344, Laws of 1987 and RCW 19.118.901;
- (4) Section 6, chapter 187, Laws of 1983, section 2, chapter 325, Laws of 1989 and RCW 28A.61.900;
- (5) Section 10, chapter 276, Laws of 1986, section 13, chapter 425, Laws of 1989 and RCW 53.31.900;
- (6) Section 8, chapter 347, Laws of 1987 and RCW 67.16.240;
- (7) Section 9, chapter 387, Laws of 1987 (uncodified); and
- (8) Section 34, chapter 7, Laws of 1982 2nd ex. sess., section 16, chapter 511, Laws of 1987 and RCW 67.70.900.

NEW SECTION. Sec. 28. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 197, Laws of 1983 and RCW 43.131.256;
- (2) Section 8, chapter 197, Laws of 1983, section 1, chapter 272, Laws of 1986 and RCW 43.131.269;
- (3) Section 34, chapter 197, Laws of 1983, section 2, chapter 272, Laws of 1986 and RCW 43.131.270;
- (4) Section 12, chapter 175, Laws of 1984, section 72, chapter 466, Laws of 1985, section 5, chapter 35, Laws of 1988 and RCW 43.131.315;
- (5) Section 13, chapter 175, Laws of 1984, section 73, chapter 466, Laws of 1985, section 6, chapter 35, Laws of 1988 and RCW 43.131.316;
- (6) Section 1, chapter 118, Laws of 1985, section 13, chapter 288, Laws of 1988 and RCW 43.131.331;

(7) Section 2, chapter 118, Laws of 1985, section 14, chapter 288, Laws of 1988 and RCW 43.131.332;

(8) Section 10, chapter 342, Laws of 1987 and RCW 43.131.339;

(9) Section 18, chapter 348, Laws of 1987 and RCW 43.131.345;

(10) Section 19, chapter 348, Laws of 1987 and RCW 43.131.346;

(11) Section 5, chapter 186, Laws of 1988 and RCW 43.131.361; and

(12) Section 6, chapter 186, Laws of 1988 and RCW 43.131.362.

NEW SECTION, Sec. 29. (1) RCW 43.131.301 and 43.131.302 are each recodified as sections in chapter 18.51 RCW.

(2) RCW 43.131.303 and 43.131.304 are each recodified as sections in chapter 18.73 RCW.

(3) RCW 43.131.319 and 43.131.320 are each recodified as sections in chapter 43.121 RCW.

(4) RCW 43.131.323 is recodified as a section in chapter 18.83 RCW.

(5) RCW 43.131.343 and 43.131.344 are each recodified as sections in chapter 43.31 RCW.

(6) RCW 43.131.351 and 43.131.352 are each recodified as sections in chapter 18.36A RCW.

(7) RCW 43.131.357 and 43.131.358 are each recodified as sections in chapter 18.19 RCW.

(8) RCW 43.131.359 and 43.131.360 are each recodified as sections in chapter 77.12 RCW.

(9) RCW 43.131.363 and 43.131.364 are each recodified as sections in chapter 43.240 RCW."

On motion of Senator Anderson, the following amendment by Senators Anderson, Johnson and McMullen to the Committee on Governmental Operations amendment was adopted:

On page 18, after line 10, insert the following:

"NEW SECTION, Sec. 30. Section 14, chapter 449, Laws of 1985 and RCW 84.26.140 are each repealed."

MOTION

Senator Wojahn moved that the following amendments by Senators Wojahn, Madsen, Sutherland, Rasmussen, Owen, DeJarnatt, Stratton, Vognild, Bailey and Rinehart to the Committee on Governmental Operations amendment be considered simultaneously and be adopted:

On page 4, beginning on line 17, strike all of section 7

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

On page 17, line 5, after "(6)" insert "Section 5, chapter 261, Laws of 1984, section 7, chapter 270, Laws of 1986, section 2, chapter 304, Laws of 1989 and RCW 43.131.319;

(7) Section 6, chapter 261, Laws of 1984, section 8, chapter 270, Laws of 1986, section 3, chapter 304, Laws of 1989 and RCW 43.131.320;

(8)"

Renumber the remaining subsections consecutively.

On page 17, beginning on line 28, strike all of subsection (3)

Renumber the remaining subsections consecutively.

Debate ensued.

Senator Wojahn demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Wojahn, Madsen, Sutherland, Rasmussen, Owen, DeJarnatt, Stratton, Vognild, Bailey and Rinehart on page 4, beginning on line 17, page 17, line 5 and beginning on line 28, to the Committee on Governmental Operations striking amendment to Engrossed Substitute House Bill No. 2327.

ROLL CALL

The Secretary called the roll and the amendments to the committee amendment were adopted by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Patterson, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Taimadge, Vognild, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Amondson, Anderson, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patrick, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 23.

Excused: Senator Hansen - 1.

The President declared the question before the Senate to be the adoption of the Committee on Governmental Operations striking amendment, as amended, to Engrossed Substitute House Bill No. 2327.

The Committee on Governmental Operations striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator McCaslin, the following title amendments were considered simultaneously and were adopted.

On page 1, line 1 of the title, after "review;" strike the remainder of the title and insert "amending RCW 43.131.010, 43.131.050, 43.131.301, 43.131.302, 43.131.303, 43.131.304, 43.131.319, 43.131.323, 43.131.343, 43.131.344, 43.131.351, 43.131.352, 43.131.357, 43.131.358, 18.74.010, and 18.74.012; adding new sections to chapter 18.06 RCW; adding new sections to chapter 18.19 RCW; adding new sections to chapter 18.36A RCW; adding new sections to chapter 18.51 RCW; adding new sections to chapter 18.73 RCW; adding new sections to chapter 18.83 RCW; adding new sections to chapter 43.31 RCW; adding new sections to chapter 43.121 RCW; adding new sections to chapter 43.131 RCW; adding new sections to chapter 43.240 RCW; adding new sections to chapter 53.31 RCW; adding new sections to chapter 67.16 RCW; adding new sections to chapter 77.12 RCW; recodifying RCW 43.131.301, 43.131.302, 43.131.303, 43.131.304, 43.131.319, 43.131.320, 43.131.323, 43.131.343, 43.131.344, 43.131.351, 43.131.352, 43.131.357, 43.131.358, 43.131.359, 43.131.360, 43.131.363, and 43.131.364; repealing RCW 18.06.900, 18.06.901, 19.118.901, 28A.61.900, 53.31.900, 67.16.240, 67.70.900, 43.131.256, 43.131.269, 43.131.270, 43.131.315, 43.131.316, 43.131.331, 43.131.332, 43.131.339, 43.131.345, 43.131.346, 43.131.361, and 43.131.362; repealing section 9, chapter 387, Laws of 1987 (uncodified); and providing an effective date."

On page 18, line 20 of the title, strike "43.131.319,"

On page 19, line 10 of the title, strike "43.131.319, 43.131.320,"

On page 19, line 18 of the title, after "43.131.316," insert "43.131.319, 43.131.320,"

On page 19, beginning on line 21 of the amendment, strike "and 43.131.362" and insert "43.131.362 and 84.26.140"

On motion of Senator McCaslin, Engrossed Substitute House Bill No. 2327, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2327, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2327, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senators McCaslin, Smith - 2.

Absent: Senator Barr - 1.

Excused: Senator Hansen - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2494, by Committee on Appropriations (originally sponsored by Representatives Rust, Phillips, Schoon, Pruitt, D. Sommers, Todd, Miller, G. Fisher, Valle, Brekke, Walker, Jacobsen, Sprengle, Fraser, Anderson, Hargrove, Prentice, Van Luven, Winsley, R. Fisher, Wood, Wineberry, Jones, Dellwo, May, R. King, Kremen, P. King, Haugen, Wang, Crane, Hine, Spanel and Rasmussen)

Changing provisions relating to oil and hazardous substance spills.

The bill was read the second time.

MOTION

Senator Nelson moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the increasing reliance on water borne transportation as a source of supply for oil and hazardous substances poses special concern for the state of Washington. Vessels transporting oil into Washington travel on some of the most

unique and special marine environments in the United States. These marine environments are a source of natural beauty, recreation, and economic livelihood for many residents of this state. As a result, the state has an obligation to assure the citizens of the state that the waters of the state used for water borne transportation will be protected. The legislature declares that this act is the first step in developing a comprehensive approach to protecting this important and unique resource by developing a set of procedures to respond to spills of oil and hazardous substances into the state's waters.

The legislature also finds that prevention is the best method to protect the unique and special marine environments in this state. The technology for containing and cleaning up a spill of oil or hazardous substances is in the early stages of development. Preventing spills is more protective of the environment and more cost-effective when all the costs associated with responding to a spill are considered. The legislature declares that it will continue to develop this first step in a comprehensive approach to protecting our unique and special marine environment by adopting measures in future sessions of the legislature to reduce the likelihood that a spill of oil or hazardous substances will occur.

Sec. 2. Section 10, chapter 133, Laws of 1969 ex. sess. as last amended by section 6, chapter 388, Laws of 1989 and RCW 90.48.315 are each amended to read as follows:

For purposes of RCW 90.48.315 through ~~((90.48.365))~~ 90.48.410, sections 3 through 10, 12, 13, 15, 16, and 22 of this 1990 act, 78.52.020, 78.52.125, 82.36.330, ((90.48.315, 90.48.370 through 90.48.410)) 90.48.903, 90.48.906, and 90.48.907 ~~((and 90.48.366 through 90.48.369))~~, the following definitions shall apply unless the context indicates otherwise:

(1) "Board" shall mean the pollution control hearings board.
 (2) "Cargo vessel" means a ship in commerce, other than a tank vessel, of three hundred gross tons or more.
 (3) "Committee" shall mean the preassessment screening committee established under RCW 90.48.368.

(4) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

~~((3))~~ (5) "Department" shall mean the department of ecology.

~~((4))~~ (6) "Director" shall mean the director of the department of ecology.

~~((5))~~ (7) "Discharge" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

~~((6))~~ (8)(a) "Facility" means any structure, group of structures, equipment, or device, other than a vessel, located on or near the navigable waters of the state that receives oil in bulk from a tank vessel, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk, and is capable of storing ten thousand or more gallons of oil.

(b) A facility does not include any railroad car, motor vehicle, or other rolling stock used to transport oil over the highways or rail lines of this state.

(9) "Fund" shall mean the state coastal protection fund as provided in RCW 90.48.390 and 90.48.400.

~~((7))~~ (10) "Having control over oil" shall include but not be limited to any person using, storing, or transporting oil immediately prior to entry of such oil into the waters of the state, and shall specifically include carriers and bailees of such oil.

~~((8))~~ (11) "Maximum probable spill" means the maximum probable spill for a vessel operating in state waters considering the history of spills of vessels of the same class operating on the west coast of the United States, Alaska, and British Columbia.

(12) "Navigable waters of the state" means those waters that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(13) "Necessary expenses" means the expenses incurred by the department and assisting state agencies for (a) investigating the source of the discharge; (b) investigating the extent of the environmental damage caused by the discharge; ~~((and))~~ (c) conducting actions necessary to clean up the discharge; (d) conducting predamage and damage assessment studies; and (e) enforcing the provisions of this chapter and collecting for damages caused by a discharge.

~~((9))~~ (14) "Oil" or "oils" shall mean oil, including gasoline, crude oil, fuel oil, diesel oil, lubricating oil, sludge, oil refuse, liquid natural gas, propane, butane, oils distilled from coal, and other liquid hydrocarbons regardless of specific gravity, or any other petroleum related product.

(15) "Passenger vessel" means a ship of three hundred or more gross tons carrying passengers for compensation.

~~((10))~~ (16) "Person" shall mean any political subdivision, government agency, municipal, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever and any owner, operator, master, officer, or employee of a ship.

~~((11))~~ (17) "Ship" shall mean any boat, ship, vessel, barge, or other floating craft of any kind.

~~((12))~~ (18) "Spill" means a discharge of oil or hazardous substances into the waters of the state.

(19) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(20) "Technical feasibility" or "technically feasible" shall mean that given available technology, a restoration or enhancement project can be successfully completed at a cost that is not disproportionate to the value of the resource prior to the injury.

((††)) (21) "Waters of the state" shall include lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(22) "Worst case spill" means a spill of the entire cargo of a tank vessel complicated by adverse weather conditions.

NEW SECTION. Sec. 3. (1) Each facility and covered vessel shall have a contingency plan for the containment and cleanup of oil spills from the facility or covered vessel into the waters of the state and for the protection of fisheries and wildlife, natural resources, and public and private property from such spills. Not later than July 1, 1991, the department shall by rule adopt standards for the preparation of contingency plans. The department shall require contingency plans, at a minimum, to meet the following standards:

(a) Include full details of the method of response to spills of various sizes from any vessel, ship, or facility which is covered by the plan;

(b) Be designed to be capable in terms of personnel, materials, and equipment, of promptly and properly, to the maximum extent practicable, as defined by the department:

(i) Removing oil and minimizing any damage to the environment resulting from a maximum probable spill; and

(ii) Removing oil and minimizing any damage to the environment resulting from a worst case spill;

(c) Provide a clear, precise, and detailed description of how the plan relates to and is integrated into relevant contingency plans which have been prepared by cooperatives, ports, regional entities, the state, and the federal government;

(d) Provide procedures for early detection of oil spills and timely notification of such spills to appropriate federal, state, and local authorities under applicable state and federal law;

(e) State the number, training preparedness, and fitness of all dedicated, prepositioned personnel assigned to direct and implement the plan;

(f) Incorporate periodic training and drill programs to evaluate whether personnel and equipment provided under the plan are in a state of operational readiness at all times;

(g) State the means of protecting and mitigating effects on the environment, including fish, marine mammals, and other wildlife, and ensure that implementation of the plan does not pose unacceptable risks to the public or the environment;

(h) Provide a detailed description of equipment and procedures to be used by the crew of a vessel to minimize vessel damage, stop or reduce any spilling from the vessel, and, only when appropriate and the vessel/safety is assured, contain and clean up the spilled oil;

(i) Provide arrangements for the repositioning of oil spill containment and cleanup equipment and trained personnel at strategic locations from which they can be deployed to the spill site to promptly and properly remove the spilled oil;

(j) Provide arrangements for enlisting the use of qualified and trained cleanup personnel to implement the plan;

(k) Provide for disposal of recovered spilled oil in accordance with local, state, and federal laws;

(l) State the measures that have been taken to reduce the likelihood that a spill will occur, including but not limited to, design and operation of a vessel or facility, training of personnel, number of personnel, and backup systems designed to prevent a spill;

(m) State the amount and type of equipment available to respond to a spill, where the equipment is located, and the extent to which other contingency plans rely on the same equipment; and

(n) If the department has adopted rules permitting the use of dispersants, the circumstances, if any, and the manner for the application of the dispersants in conformance with the department's rules.

(2) Contingency plans for facilities capable of storing one million gallons or more of oil and for tank vessels of twenty thousand deadweight tons or more shall be submitted to the department within six months after the department adopts rules establishing standards for contingency plans under subsection (1) of this section. Contingency plans for all other facilities and covered vessels shall be submitted to the department within eighteen months after the department has adopted rules under subsection (1) of this section. The department may adopt a schedule for submission of plans within the eighteen-month period.

(3)(a) The owner or operator of a facility shall submit the contingency plan for the facility.

(b) The owner or operator of a tank vessel or of the facilities at which the vessel will be unloading its cargo shall submit the contingency plan for the tank vessel. Subject to conditions imposed by the department, the owner or operator of a facility may submit a single contingency plan for tank vessels of a particular class that will be unloading cargo at the facility.

(c) The contingency plan for a cargo vessel or passenger vessel may be submitted by the owner or operator of the cargo vessel or passenger vessel or by the agent for the vessel resident in this state. Subject to conditions imposed by the department, the owner, operator, or agent may submit a single contingency plan for cargo vessels or passenger vessels of a particular class.

(d) A person who has contracted with a facility or covered vessel to provide containment and cleanup services and who meets the standards established pursuant to section 4 of this act, may submit the plan for any facility or covered vessel for which the person is contractually obligated to provide services. Subject to conditions imposed by the department, the person may submit a single plan for more than one facility or covered vessel.

(4) A contingency plan prepared for an agency of the federal government that satisfies the requirements of this section and rules adopted by the department may be accepted by the department as a contingency plan under this section. The department shall assure that to the greatest extent possible, requirements for contingency plans under this section are consistent with the requirements for contingency plans under federal law.

(5) In reviewing the contingency plans required by this section, the department shall consider at least the following factors:

(a) The adequacy of containment and cleanup equipment, personnel, communications equipment, notification procedures and call down lists, response time, and logistical arrangements for coordination and implementation of response efforts to remove oil and hazardous substance spills promptly and properly and to protect the environment;

(b) The nature and amount of vessel traffic within the area covered by the plan;

(c) The volume and type of oil or hazardous substances being transported within the area covered by the plan;

(d) The existence of navigational hazards within the area covered by the plan;

(e) The history and circumstances surrounding prior spills of oil and hazardous substances within the area covered by the plan;

(f) The sensitivity of fisheries and wildlife and other natural resources within the area covered by the plan;

(g) Relevant information on previous spills contained in on-scene coordinator reports prepared by the department; and

(h) The extent to which reasonable, cost-effective measures to prevent a likelihood that a spill will occur have been incorporated into the plan.

(6) The department shall approve a contingency plan only if it determines that the plan meets the requirements of this section and that, if implemented, the plan is capable, in terms of personnel, materials, and equipment, of removing oil or hazardous substances promptly and properly and minimizing any damage to the environment.

(7) Upon approval of a contingency plan, the department shall provide to the person submitting the plan a statement indicating that the plan has been approved, the facilities or vessels covered by the plan, and other information the department determines should be included.

(8) An owner or operator of a vessel, ship, or facility shall notify the department in writing immediately of any significant change of which it is aware affecting its contingency plan, including changes in any factor set forth in this section or in rules adopted by the department. The department may require the owner or operator to update a contingency plan as a result of these changes.

(9) The department by rule shall require contingency plans to be reviewed, updated, if necessary, and resubmitted to the department at least once every five years.

(10) Approval of a contingency plan by the department does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under this chapter or other state law.

NEW SECTION. Sec. 4. The department shall by rule establish standards for persons who contract to provide cleanup and containment services under contingency plans approved under section 3 of this act.

NEW SECTION. Sec. 5. The department shall annually publish an index of available, up-to-date descriptions of contingency plans for oil spills submitted and approved pursuant to section 3 of this act and an inventory of equipment available for responding to such spills.

NEW SECTION. Sec. 6. The department shall by rule adopt procedures to determine the adequacy of contingency plans approved under section 3 of this act. The rules shall require random practice drills without prior notice that will test the adequacy of the responding entities. The rules may provide for unannounced practice drills of individual contingency plans. The department shall review and publish a report on the drills, including an assessment of response time and available equipment and personnel compared to those listed in the contingency plans relying on the responding entities, and requirements, if any, for changes in the plans or their implementation. The department may require additional drills and changes in arrangements for implementing approved plans which are necessary to ensure their effective implementation.

NEW SECTION. Sec. 7. The provisions of contingency plans approved by the department under section 3 of this act shall be legally binding on those persons submitting them to the department and on their successors, assigns, agents, and employees. The superior court shall have jurisdiction to restrain a violation of, compel specific performance of, or otherwise to enforce such plans upon application by the department. The department may issue an order pursuant to chapter 34.05 RCW requiring compliance with a contingency plan. An order under this section is not subject to review by the pollution control hearings board as provided in RCW 43.21B.110.

NEW SECTION. Sec. 8. (1) Except as provided in subsection (2) of this section, it shall be unlawful for any person to knowingly and intentionally operate in this state or on the waters of this state a facility or covered vessel without an approved contingency plan as required by section 3 of this act. The first conviction under this section shall be a gross misdemeanor under chapter 9A.20 RCW. A second or subsequent conviction shall be a class C felony under chapter 9A.20 RCW.

(2) It shall not be unlawful for a person to operate a facility or covered vessel if:

(a) The facility or covered vessel is not required to have a contingency plan;

(b) A plan has been submitted to the department as required by section 3 of this act and rules adopted by the department and the department is reviewing the plan and has not denied approval; or

(c) The covered vessel has entered state waters after the United States coast guard has determined that the vessel is in distress.

(3) A facility may rely on a copy of the statement issued by the department pursuant to section 3(7) of this act as evidence that the vessel has an approved contingency plan.

NEW SECTION. Sec. 9. (1) Except as provided in subsection (4) of this section, it shall be unlawful for a covered vessel to enter the waters of the state without an approved contingency plan as provided in section 3 of this act. The department may deny entry onto the waters of the state to any covered vessel that does not have a contingency plan and is so required.

(2) Except as provided in subsection (4) of this section, it shall be unlawful:

(a) For a facility to operate without an approved contingency plan as required under section 3 of this act; or

(b) For a facility or any other person to accept cargo or passengers from a covered vessel that does not have an approved contingency plan required under section 3 of this act.

(3) The department may notify the department of licensing to suspend the business license of any facility or other person that is in violation of this section. The department may assess a civil penalty of up to one hundred thousand dollars against any person who is in violation of this section. Each day that a facility, person, or covered vessel is in violation of this section shall be considered a separate violation.

(4) It shall not be unlawful for a covered vessel to operate on the waters of the state or a facility or other person to operate or accept cargo or passengers from a covered vessel if:

(a) A contingency plan is not required for the facility or covered vessel;

(b) A contingency plan has been submitted to the department as required by section 3 of this act and rules adopted by the department and the department is reviewing the plan and has not denied approval; or

(c) The covered vessel has entered state waters after the United States coast guard has determined that the vessel is in distress.

(5) Any person may rely on a copy of the statement issued by the department pursuant to section 3(7) of this act as evidence that the vessel has an approved contingency plan.

NEW SECTION. Sec. 10. (1) Not later than July 1, 1991, the department shall prepare and thereafter annually update a state-wide master oil and hazardous substance spill contingency plan. In preparing the plan, the department shall consult with an advisory committee representing diverse interests concerned with oil and hazardous substance spills, including state agencies, local governments, port districts, private facilities, environmental organizations, oil companies, shipping companies, containment and cleanup contractors, tow companies, and hazardous substance manufacturers.

(2) The state master plan prepared under this section shall at a minimum:

(a) Take into consideration the elements of oil spill contingency plans approved or submitted for approval pursuant to section 3 of this act and oil and hazardous substance spill contingency plans prepared pursuant to other state or federal law or prepared by federal agencies and regional entities;

(b) State the respective responsibilities as established by relevant statutes and rules of each of the following in the assessment, containment, and cleanup of a catastrophic oil spill or of a significant spill of a hazardous substance into the environment of the state: (i) State agencies; (ii) local governments; (iii) appropriate federal agencies; (iv) facility operators; (v) property owners whose land or other property may be affected by the oil or hazardous substance spill; and (vi) other parties identified by the department as having an interest in or the resources to assist in the containment and cleanup of an oil or hazardous substance spill;

(c) State the respective responsibilities of the parties identified in (b) of this subsection in an emergency response;

(d) Identify actions necessary to reduce the likelihood of catastrophic oil spills and significant spills of hazardous substances; and

(e) Identify and obtain mapping of environmentally sensitive areas at particular risk to oil and hazardous substance spills.

(3) In preparing and updating the state master plan, the department shall:

(a) Consult with federal, municipal, and community officials, other state agencies, and with representatives of affected regional organizations;

(b) Submit the draft plan to the public for review and comment;

(c) Submit to the appropriate standing committees of the legislature for review, not later than November 1 of each year, the plan and any annual revision of the plan; and

(d) Require or schedule unannounced oil spill drills as required by section 6 of this act to test the sufficiency of oil spill contingency plans approved under section 3 of this act.

NEW SECTION. Sec. 11. The department of wildlife, in consultation with the departments of fisheries, ecology, and natural resources shall study and report to the appropriate standing committees of the house of representatives and the senate the current efforts by local, state, and federal governments, and recommendations for additional efforts, to collect environmental baseline data in sensitive areas for the determination of potential effects of spills, including data on the chronic effects of spills. The study shall also consider plans for long-term monitoring of environmental effects in those areas, to be implemented in the event of a major spill. The report shall be submitted to the legislature not later than December 1, 1990.

NEW SECTION. Sec. 12. (1) The Washington wildlife rescue coalition shall be established for the purpose of coordinating the rescue and rehabilitation of wildlife injured or endangered by oil spills or the release of other hazardous substances into the environment.

(2) The Washington wildlife rescue coalition shall be composed of:

(a) A representative of the department of wildlife designated by the director of wildlife. The department of wildlife shall be designated as lead agency in the operations of the coalition. The coalition shall be chaired by the representative from the department of wildlife;

(b) A representative of the department of ecology designated by the director;

(c) A representative of the department of community development emergency management program designated by the director of community development;

(d) A licensed veterinarian, with experience and training in wildlife rehabilitation, appointed by the veterinary board of governors;

(e) The director of the Washington conservation corps;

(f) A lay person, with training and experience in the rescue and rehabilitation of wildlife appointed by the department; and

(g) A person designated by the legislative authority of the county where oil spills or spills of other hazardous substances may occur. This member of the coalition shall serve on the coalition until wildlife rescue and rehabilitation is completed in that county. The completion of any rescue or rehabilitation project shall be determined by the director of wildlife.

(3) The duties of the Washington wildlife rescue coalition shall be to:

(a) Develop an emergency mobilization plan to rescue and rehabilitate waterfowl and other wildlife that are injured or endangered by an oil spill or the release of other hazardous substances into the environment;

(b) Develop and maintain a resource directory of persons, governmental agencies, and private organizations that may provide assistance in an emergency rescue effort;

(c) Provide advance training and instruction to volunteers in rescuing and rehabilitating waterfowl and wildlife injured or endangered by oil spills or the release of other hazardous substances into the environment. The training may be provided through grants to community colleges or to groups that conduct programs for training volunteers. The coalition representatives from the agencies described in subsection (2) of this section shall coordinate training efforts with the director of the Washington conservation corps and work to provide training opportunities for young citizens;

(d) Obtain and maintain equipment and supplies used in emergency rescue efforts;

(e) Report to the appropriate standing committees of the legislature on the progress of the coalition's efforts and detail future funding options necessary for the implementation of this section and section 13 of this act. The coalition shall report by January 30, 1991.

(4)(a) Expenses for the coalition may be provided by the coastal protection fund administered according to RCW 90.48.400.

(b) The commission is encouraged to seek grants, gifts, or donations from private sources in order to carry out the provisions of this section and section 13 of this act. Any private funds donated to the commission shall be deposited into the wildlife rescue account hereby created within the wildlife fund as authorized under Title 77 RCW.

NEW SECTION. Sec. 13. The department of wildlife may adopt rules including, but not limited to, the following:

(1) Procedures and methods of handling and caring for waterfowl or other wildlife affected by spills of oil and other hazardous materials;

(2) The certification of persons trained in the removal of pollutants from waterfowl or other wildlife;

(3) Development of procedures with respect to removal of oil and other hazardous substances from waterfowl or other wildlife;

(4) The establishment of training exercises, courses, and other training procedures as necessary;

(5) Such other rules as may be reasonably necessary to carry out the intent of section 12 of this act.

Sec. 14. Section 5, chapter 180, Laws of 1971 ex. sess. as amended by section 4, chapter 262, Laws of 1989 and by section 8, chapter 388, Laws of 1989 and RCW 90.48.400 are each reenacted and amended to read as follows:

(1) Moneys in the coastal protection fund shall be disbursed for the following purposes and no others:

(a) All costs of the department related to the enforcement of RCW 90.48.315 through 90.48.365, sections 3 through 10, 12, 13, 15, 16, and 25 of this 1990 act, 78.52.020, 78.52.125, 82.36.330, 90.48.142, (~~90.48.315, 90.48.370 through 90.48.410;~~) 90.48.903, 90.48.906, and 90.48.907 (~~and 90.48.366 through 90.48.368~~) including but not limited to equipment rental and contracting costs.

(b) All costs involved in the abatement of pollution related to the discharge of oil and other hazardous substances.

(c) The director may allocate a portion of the fund to be devoted to research and development in the causes, effects, and removal of pollution caused by the discharge of oil or other hazardous substances.

(2) Moneys disbursed from the coastal protection fund for the abatement of pollution caused by the discharge of oil or other hazardous substances shall be reimbursed to the fund whenever:

(a) Moneys are available under any federal program; or

(b) Moneys are available from a recovery made by the department from the person liable for the discharge of oil or other hazardous substance.

(3) Moneys collected under RCW 90.48.142 shall only be used for the purposes enumerated in that section, subject to the approval of the steering committee.

(4) A steering committee consisting of representatives of the department of ecology, fisheries, wildlife, and natural resources, and the parks and recreation commission shall authorize the expenditure of the moneys collected under RCW 90.48.366 through 90.48.368, after consulting impacted local agencies and local and tribal governments. The moneys collected under RCW 90.48.366 through 90.48.368 shall only be used for the following purposes: (a) Environmental restoration and enhancement projects intended to restore or enhance environmental, recreational, or aesthetic resources for the benefit of Washington's citizens; (b) investigations of the long-term effects of oil spills and the release of other hazardous substances on state resources; ~~(and)~~ (c) reimbursement of agencies for reasonable reconnaissance and damage assessment costs; and (d) wildlife rescue and rehabilitation. Agencies may not be reimbursed under this section for the salaries and benefits of permanent employees for routine operational support. Agencies may only be reimbursed under this section if money for reconnaissance and damage assessment activities is unavailable from other sources.

NEW SECTION. Sec. 15. The department shall develop policies and a plan concerning:

(1) When and under what circumstances, if any, chemical agents, such as coagulants, dispersants, and bioremediation, may be used in response to an oil spill; and

(2) The disposal of oil and hazardous substances recovered from an oil or hazardous substance spill.

NEW SECTION. Sec. 16. The department of ecology shall study standards for the manner in which, and the equipment with which, tow boats may tow barges carrying oil or hazardous substances as cargo or cargo residue. The standards shall address but are not limited to: Wire rope specifications, catenary, the design of related on-board equipment, number of cables, and back-up or barge retrieval systems in case of cable break.

The department shall seek voluntary compliance with such standards.

Finally, the department shall study state jurisdiction over and liability of mandatory committees with such standards. The department shall report to the appropriate standing committees of the legislature by July 1, 1991, recommendations regarding mandatory compliance with such standards.

Sec. 17. Section 1, chapter 133, Laws of 1969 ex. sess. as last amended by section 146, chapter 109, Laws of 1987 and RCW 90.48.320 are each amended to read as follows:

It shall be unlawful, except under the circumstances hereafter described in this section, for oil to enter the waters of the state from any ship or any fixed or mobile facility or installation located offshore or onshore whether publicly or privately operated, regardless of the cause of the entry or fault of the person having control over the oil, or regardless of whether it be the result of intentional or negligent conduct, accident or other cause. This section shall not apply to discharges of oil in the following circumstances:

(1) The person discharging was expressly authorized to do so by the department prior to the entry of the oil into state waters; or

(2) The person discharging was authorized to do so by operation of law as provided in RCW 90.48.200((:

~~(3) Where a person having control over the oil can prove that a discharge was caused by:~~

~~(a) An act of war or sabotage; or~~

~~(b) Negligence on the part of the United States government or the state of Washington)).~~

Sec. 18. Section 6, chapter 88, Laws of 1970 ex. sess. and RCW 90.48.336 are each amended to read as follows:

(1) Any person owning oil or having control over ((the same which)) oil that enters the waters of the state in violation of RCW 90.48.320 shall be strictly liable, without regard to fault, for the damages to persons or property, public or private, caused by such entry.

(2) In any action to recover ((such)) damages resulting from the discharge of oil in violation of RCW 90.48.320, ((said)) the owner or person having control over the oil shall be relieved from strict liability, without regard to fault, if ((he)) that person can prove that the ((oil to which the damages relate entered the waters of the state by causes set forth in RCW 90.48.320(3))) discharge was caused solely by:

(a) An act of war or sabotage;

(b) An act of God;

(c) Negligence on the part of the United States government; or

(d) Negligence on the part of the state of Washington.

(3) The liability established in this section shall in no way affect the rights which (a) the owner or other person having control over the oil may have against any person whose acts may in any way have caused or contributed to the discharge of oil or (b) the state of Washington may have against any person whose actions may have caused or contributed to the discharge of oil.

(4) The chapter -- Laws of 1990 changes to subsection (2) of this section requiring the defenses in that subsection to be the sole causes of the discharge, and the text of subsection (2)(b) of this section shall apply prospectively and not retroactively after the effective date of this section.

Sec. 19. Section 7, chapter 88, Laws of 1970 ex. sess. and RCW 90.48.338 are each amended to read as follows:

In addition to any cause of action the state may have to recover necessary expenses for the cleanup of oil pursuant to RCW 90.48.325 and 90.48.350, and except as otherwise provided in section 25 of this act, any other person causing the entry of oil shall be directly liable to the state for the necessary expenses of oil cleanup arising from such entry and the state shall have a cause of action to recover from any or all of said persons. Except as otherwise provided in section 25 of this act, any person liable for cost of oil cleanup as provided in RCW 90.48.325 and 90.48.350 shall have a cause of action to recover for costs of cleanup from any other person causing the entry of oil into the waters of the state including any amount recoverable by the state as necessary expenses under RCW 90.48.350.

Sec. 20. Section 7, chapter 133, Laws of 1969 ex. sess. as last amended by section 9, chapter 388, Laws of 1989 and RCW 90.48.350 are each amended to read as follows:

Except as otherwise provided in section 25 of this act, any person who negligently discharges oil, or causes or permits the entry of the same, shall incur, in addition to any other penalty as provided by law, a penalty in an amount of up to twenty thousand dollars for every such violation, and for each day the spill poses risks to the environment as determined by the director. Any person who intentionally or recklessly discharges or causes or permits the entry of oil into the waters of the state shall incur, in addition to any other penalty authorized by law, a penalty of up to one hundred thousand dollars for every such violation and for each day the spill poses risks to the environment as determined by the director. The amount of the penalty shall be determined by the director after taking into consideration the gravity of the violation, the previous record of the violator in complying, or failing to comply, with the provisions of chapter 90.48 RCW, the speed and thoroughness of the collection and removal of the oil, and such other considerations as the director deems appropriate. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for. The penalty herein provided for shall be imposed pursuant to RCW 43.21B.300.

Sec. 21. Section 3, chapter 133, Laws of 1969 ex. sess. as last amended by section 147, chapter 109, Laws of 1987 and RCW 90.48.330 are each amended to read as follows:

The department ((is authorized, with the staff, equipment and material under its control, or by contract with others, to)) shall take ((such actions as are)) all actions necessary to respond to a substantial threat of a discharge of oil or hazardous substances into the waters of this state or to collect, investigate, perform surveillance over, remove, contain, treat, or disperse oil or hazardous substances discharged into waters of the state. The department shall keep a record of all necessary expenses incurred in carrying out any project or activity authorized under this section, including a reasonable charge for the services performed by the state's personnel and the state's equipment and materials utilized. The authority granted hereunder shall be limited to projects and activities which are designed to protect the public interest or public property.

The department may use staff, equipment, and material under its control, or contract with others, to carry out its responsibilities under this section.

Sec. 22. Section 4, chapter 133, Laws of 1969 ex. sess. as amended by section 5, chapter 88, Laws of 1970 ex. sess. and RCW 90.48.335 are each amended to read as follows:

Any person who ~~((fails to immediately collect, remove, contain, treat or disperse oil when under an obligation to do so as provided in RCW 90.48.325.))~~ unlawfully discharges oil or hazardous substances into the waters of the state or who poses a substantial threat of discharging oil or hazardous substances into the waters of the state shall be responsible for the necessary expenses incurred by the state in carrying out a project or activity authorized under RCW 90.48.330.

Sec. 23. Section 8, chapter 133, Laws of 1969 ex. sess. as amended by section 151, chapter 109, Laws of 1987 and RCW 90.48.355 are each amended to read as follows:

The department, through its duly authorized representatives, shall have the power to enter upon any private or public property, including the boarding of any ship, at any reasonable time, and the owner, managing agent, master or occupant of such property shall permit such entry for the purpose of investigating conditions relating to violations or possible violations of ~~((RCW 90.48.315 through 90.48.365))~~ this chapter, and to have access to any pertinent records relating to such property, including but not limited to operation and maintenance records and logs ~~((-PROVIDED That in connection with))~~. The authority granted herein ((no person)) shall not be ((required)) construed to require any person to divulge trade secrets or secret processes. The director may issue subpoenas for the production of any books, records, documents, or witnesses in any hearing conducted pursuant to this chapter.

Sec. 24. Section 9, chapter 133, Laws of 1969 ex. sess. as amended by section 152, chapter 109, Laws of 1987 and RCW 90.48.360 are each amended to read as follows:

It shall be the duty of any person discharging oil or hazardous substances or otherwise causing, permitting, or allowing the same to enter the waters of the state, unless the discharge or entry was expressly authorized by the department prior thereto or authorized by operation of law under RCW 90.48.200, to immediately notify the ~~((department at its office in Olympia, or a regional office thereof, of such discharge or entry))~~ coast guard and the division of emergency management. The notice to the division of emergency management within the department of community development shall be made to the division's twenty-four hour state-wide toll-free number established for reporting emergencies.

NEW SECTION. Sec. 25. (1) The following persons shall not be liable for necessary expenses or property damage caused by an act or omission of that person during the cleanup of oil spilled into the navigable waters of the state, unless the act or omission was performed in bad faith or with gross negligence:

- (a) The state or any unit of local government;
- (b) A person who volunteers to assist in the cleanup of the spilled oil; and
- (c) A person meeting the standards of section 4 of this act.

(2) This section shall not affect the liability of any person responsible for the spilled oil or responsible for the facility or covered vessel from which the oil was spilled.

NEW SECTION. Sec. 26. A new section is added to chapter 88.16 RCW to read as follows:

An oil tanker under escort of a tug or tugs pursuant to the provisions of RCW 88.16.190 shall not exceed the service speed of the tug or tugs that are escorting the oil tanker.

Sec. 27. Section 8, chapter 18, Laws of 1935 as last amended by section 2, chapter 264, Laws of 1987 and RCW 88.16.090 are each amended to read as follows:

(1) A person may pilot any vessel subject to the provisions of this chapter on waters covered by this chapter only if appointed and licensed to pilot such vessels on said waters under and pursuant to the provisions of this chapter.

(2) A person is eligible to be appointed a pilot if the person is a citizen of the United States, over the age of twenty-five years and under the age of seventy years, a resident of the state of Washington at the time of appointment and only if the pilot applicant holds as a minimum, a United States government license as a master of freight and towing vessels not more than one thousand gross tons (inspected vessel), such license to have been held by the applicant for a period of at least two years prior to taking the Washington state pilotage examination and a first class United States endorsement without restrictions on that license to pilot in the pilotage districts for which the pilot applicant desires to be licensed, and if the pilot applicant meets such other qualifications as may be required by the board. A person applying for a license under this section shall not have been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction does not apply to license renewals under this section.

(3) Pilots shall be licensed hereunder for a term of five years from and after the date of the issuance of their respective state licenses. Such licenses shall thereafter be renewed as of course, unless the board shall withhold same for good cause. Each pilot shall pay to the state treasurer an annual license fee established by the board of pilotage commissioners pursuant to chapter 34.05 RCW, but not to exceed one thousand five hundred dollars, to be placed in the state treasury to the credit of the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(4) Pilot applicants shall be required to pass a written and oral examination administered and graded by the board which shall test such applicants on this chapter, the rules of the board, local harbor ordinances, and such other matters as may be required to compliment the United States examinations and qualifications. The board shall conduct the examination on a regular date, as prescribed by rule, at least once every two years.

(5) The board shall have developed five examinations and grading sheets for the Puget Sound pilotage district, and two for each other pilotage district, for the testing and grading of pilot applicants. The examinations shall be administered to pilot applicants on a random basis and shall be updated as required to reflect changes in law, rules, policies, or procedures. The board may appoint a special independent examination committee or may contract with a firm knowledgeable and experienced in the development of professional tests for development of said examinations. Active licensed state pilots may be consulted for the general development of examinations but shall have no knowledge of the specific questions. The pilot members of the board may participate in the grading of examinations. If the board does appoint a special examination development committee it is authorized to pay the members of said committee the same compensation and travel expenses as received by members of the board. When grading examinations the board shall carefully follow the grading sheet prepared for that examination. The board shall develop a "sample examination" which would tend to indicate to an applicant the general types of questions on pilot examinations, but such sample questions shall not appear on any actual examinations. Any person who willfully gives advance knowledge of information contained on a pilot examination is guilty of a gross misdemeanor.

(6) All pilots and applicants are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the applicant's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots licensed by the state are able to perform their duties. Within ninety days of the date of each annual physical examination, and after review of the physician's report, the board shall make a determination of whether the pilot or candidate is fully able to carry out the duties of a pilot under this chapter. The board may in its discretion check with the appropriate authority for any convictions of offenses involving drugs or the personal consumption of alcohol in the prior twelve months.

(7) The board shall prescribe, pursuant to chapter 34.05 RCW, a number of familiarization trips, between a minimum number of twenty-five and a maximum of one hundred, which pilot applicants must make in the pilotage district for which they desire to be licensed. Familiarization trips any particular applicant must make are to be based upon the applicant's vessel handling experience.

(8) The board may prescribe vessel simulator training for a pilot applicant, or pilot subject to RCW 88.16.105, as it deems appropriate, taking into consideration the economic cost of such training, to enhance that person's ability to perform pilotage duties under this chapter.

(9) The board shall prescribe, pursuant to chapter 34.05 RCW, such reporting requirements and review procedures as may be necessary to assure the accuracy and validity of license and service claims, and records of familiarization trips of pilot candidates. Willful misrepresentation of such required information by a pilot candidate shall result in disqualification of the candidate.

Sec. 28. Section 13, chapter 18, Laws of 1935 as last amended by section 1, chapter 392, Laws of 1987 and RCW 88.16.100 are each amended to read as follows:

(1) The board shall have power on its own motion or, in its discretion, upon the written request of any interested party, to investigate the performance of pilotage services subject to this chapter and to issue a reprimand, impose a fine against a pilot in an amount not to exceed five thousand dollars, suspend, withhold, or revoke the license of any pilot, or any combination of the above, for misconduct, incompetency, inattention to duty, intoxication, or failure to perform his duties under this chapter, or violation of any of the rules or regulations provided by the board for the government of pilots. The board may partially or totally stay any disciplinary action authorized in this subsection and subsection (2) of this section. The board shall have the power to require that a pilot satisfactorily complete a specific course of training or treatment.

(2) In all instances where a pilot licensed under this chapter performs pilot services on a vessel exempt under RCW 88.16.070, the board may on its own motion, or in its discretion upon the written request of any interested party, investigate whether the services were performed in a professional manner consistent with sound maritime practices. If the board finds that the pilotage services were performed in a manner that constitutes an act of incompetence, misconduct, or negligence so as to endanger life, limb, or property, or violated or failed to comply with state laws or regulations intended to promote marine safety or to protect navigable waters, the board may issue a reprimand, impose a fine against a pilot in an amount not to exceed five thousand dollars, suspend, withhold, or revoke the state pilot license, or any combination of the above. The board shall have the power to require that a pilot satisfactorily complete a specific course of training or treatment.

(3) The board shall implement a system of specified disciplinary actions or corrective actions, including training or treatment, that will be taken when a state licensed pilot in a

specified period of time has had multiple disciplinary actions taken against the pilot's license pursuant to subsections (1) and (2) of this section. In developing these disciplinary or corrective actions, the board shall take into account the cause of the disciplinary action and the pilot's previous record.

(4) The board shall immediately review the pilot's license of a pilot who has been convicted within the prior twelve months of any offense involving drugs or the personal consumption of alcohol while on duty, including an offense of operation of a vehicle or vessel while under the influence of alcohol or drugs. After a hearing held pursuant to subsection (5) of this section:

(a) The board shall order a pilot who has been found to have been convicted within the prior twelve months of an offense involving drugs or the personal consumption of alcohol while on duty and who has not been convicted of another offense involving drugs or the personal consumption of alcohol in the previous five years to actively participate in and satisfactorily complete a specific program of treatment. The board may impose other sanctions it determines are appropriate. If the pilot does not satisfactorily complete the program of treatment, the board shall suspend, revoke, or withhold the pilot's license until the treatment is completed; and

(b) The board shall suspend for up to one year the license of a pilot found to have been convicted within the prior twelve months of a second or subsequent offense involving drugs or the personal consumption of alcohol while on duty.

(5) When the board determines that reasonable cause exists to issue a reprimand, impose a fine, suspend, revoke, or withhold any pilot's license or require training or treatment under subsection (1) ((or)), (2), or (4) of this section, it shall forthwith prepare and personally serve upon such pilot a notice advising him of the board's intended action, the specific grounds therefor, and the right to request a hearing to challenge the board's action. The pilot shall have thirty days from the date on which notice is served to request a full hearing before an administrative law judge on the issue of the reprimand, fine, suspension, revocation, or withholding of his pilot's license, or requiring treatment or training. The board's proposed reprimand, fine, suspension, revocation, or withholding of a license, or requiring treatment or training shall become final upon the expiration of thirty days from the date notice is served, unless a hearing has been requested prior to that time. When a hearing is requested the board shall request the appointment of an administrative law judge under chapter 34.12 RCW who has sufficient experience and familiarity with pilotage matters to be able to conduct a fair and impartial hearing. The hearing shall be governed by the provisions of Title 34 RCW. All final decisions of the administrative law judge shall be subject to review by the superior court of the state of Washington for Thurston county or by the superior court of the county in which the pilot maintains his residence or principal place of business, to which court any case with all the papers and proceedings therein shall be immediately certified by the administrative law judge if requested to do so by any party to the proceedings at any time within thirty days after the date of any such final decision. No appeal may be taken after the expiration of thirty days after the date of final decision. Any case so certified to the superior court shall be tried de novo and after certification of the record to said superior court the proceedings shall be had as in a civil action. Moneys collected from fines under this section shall be deposited in the pilotage account.

((5)) (6) The board shall have the power, on an emergency basis, to temporarily suspend a state pilot's license: (a) When a pilot has been involved in any vessel accident where there has been major property damage, loss of life, or loss of a vessel, or (b) where there is a reasonable cause to believe that a pilot has diminished mental capacity or is under the influence of drugs, alcohol, or other substances, when in the opinion of the board, such an accident or physical or mental impairment would significantly diminish that pilot's ability to carry out pilotage duties and that the public health, safety, and welfare requires such emergency action. The board shall make a determination within seventy-two hours whether to continue the suspension. The board shall develop rules for exercising this authority including procedures for the chairperson or vice-chairperson of the board to temporarily order such suspensions, emergency meetings of the board to consider such suspensions, the length of suspension, opportunities for hearings, and an appeal process. The board shall develop rules under chapter 34.05 RCW.

(7) The board shall immediately notify the United States coast guard that it has revoked or suspended a license pursuant to this section and that a suspended or revoked license has been reinstated.

Sec. 29. Section 1, chapter 2, Laws of 1989 1st ex. sess. and RCW 88.40.005 are each amended to read as follows:

The legislature recognizes that oil and hazardous substance spills and other forms of incremental pollution present serious danger to the fragile marine environment of Washington state. It is the intent and purpose of this chapter to define and prescribe financial responsibility requirements for vessels that transport petroleum products and hazardous substances across the waters of the state of Washington.

Sec. 30. Section 2, chapter 2, Laws of 1989 1st ex. sess. and RCW 88.40.010 are each amended to read as follows:

The following definitions apply throughout this chapter:

(1) "Department" means the state department of ecology;

(2) "Hazardous substances" means any hazardous substance as defined in RCW 70.105.010 or any hazardous substance defined by rule pursuant to chapter 70.105 RCW;

(3) "Inland barge" means any barge operating on the waters of the state and certified by the coast guard as an inland barge;

(4) "Petroleum products" means oil as it is defined in RCW 90.48.315;

((3)) (5) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water but does not include an inland barge.

Sec. 31. Section 3, chapter 2, Laws of 1989 1st ex. sess. and RCW 88.40.020 are each amended to read as follows:

Any vessel over three hundred gross tons, that transports petroleum products as cargo, and any inland barge that transports oil or hazardous substances as cargo, using any port or place in the state of Washington or the navigable waters of the state shall establish, under rules prescribed by the director of the department of ecology, evidence of financial responsibility in the amount of the greater of one million dollars, or one hundred fifty dollars per gross ton of such vessel, to meet the liability to the state of Washington for the following: (1) The actual costs for removal of spills of petroleum products or hazardous substances; (2) civil penalties and fines; and (3) natural resource damages.

Sec. 32. Section 4, chapter 2, Laws of 1989 1st ex. sess. and RCW 88.40.030 are each amended to read as follows:

Financial responsibility may be established by any one of, or a combination of, the following methods acceptable to the director of the department of ecology: (1) Evidence of insurance; (2) surety bonds; (3) qualification as a self-insurer; or (4) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States. Documentation of such financial responsibility shall be kept on any barge or tank vessel transporting petroleum products or hazardous substances as cargo and filed with the department. The owner or operator of any other vessel shall maintain on the vessel a certificate issued by the United States coast guard evidencing compliance with the requirements of section 311 of the federal clean water act, 33 U.S.C. Sec. 1251 et seq.

NEW SECTION. Sec. 33. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void. This section does not apply to sections 17 through 32 and 35 of this act.

NEW SECTION. Sec. 34. Sections 3 through 10, 12, 13, 15, 16, and 25 of this act are each added to chapter 90.48 RCW.

NEW SECTION. Sec. 35. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTIONS

On motion of Senator Bauer, the following amendments by Senators Bauer, Kreidler and Metcalf to the Committee on Ways and Means striking amendment were considered simultaneously and were adopted:

On page 4, line 19 of the amendment, strike "Not later than July 1, 1991, the" and insert "the"

On page 4, line 21 of the amendment, after "plans," insert "The rules for facilities and, except as otherwise provided in this subsection, for covered vessels shall be adopted not later than July 1, 1991. The department shall exclude from the rules to be adopted by July 1, 1991, standards for tank vessels of less than twenty thousand deadweight tons, cargo vessels, and passenger vessels operating on the portion of the Columbia river for which the department determines that Washington and Oregon should cooperate in the adoption of standards for contingency plans. The department, after consultation with the appropriate state agencies in Oregon, shall adopt the rules for standards for contingency plans for this portion of the Columbia river at the earliest possible time, but not later than July 1, 1992."

On page 6, line 1 of the amendment, after "(2)" insert "(a)"

On page 6, line 6 of the amendment, strike "Contingency" and insert "(b) Except as otherwise provided in (c) of this subsection, contingency"

On page 6, after line 10 of the amendment, insert: "(c) Contingency plans for covered vessels which are not required to submit plans within the six month period prescribed in (a) of this subsection and which operate on the portion of the Columbia river for which the department must adopt rules not later than July 1, 1992, shall be submitted to the department not later than January 1, 1993."

MOTION

Senator Talmadge moved that the following amendment to the Committee on Ways and Means striking amendment be adopted:

On page 17, line 19, strike all of new subsection (b) and reletter the remaining subsections consecutively

Debate ensued.

Senator Talmadge demanded a roll call and the demand was not sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 17, line 19, to the Committee on Ways and Means striking amendment to Engrossed Second Substitute House Bill No. 2494.

The motion by Senator Talmadge failed and the amendment to the committee amendment was not adopted.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Engrossed Second Substitute House Bill No. 2494.

The Committee on Ways and Means striking amendment, as amended, to Engrossed Second Substitute House Bill No. 2494 was adopted.

MOTIONS

On motion of Senator Metcalf, the following title amendment was adopted:

On page 1, line 1 of the title, after "spills;" strike the remainder of the title and insert "amending RCW 90.48.315, 90.48.320, 90.48.330, 90.48.335, 90.48.355, 90.48.360, 88.16.090, 88.16.100, 88.40.005, 88.40.010, 88.40.020, and 88.40.030; reenacting and amending RCW 90.48.400; adding new sections to chapter 90.48 RCW; adding a new section to chapter 88.16 RCW; creating new sections; and prescribing penalties."

On motion of Senator Metcalf, Engrossed Second Substitute House Bill No. 2494, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 2494, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2494, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Voting nay: Senator Conner - 1.

Excused: Senator Hansen - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2494, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2603, by Committee on Health Care (originally sponsored by Representatives Vekich, Prentice, Brooks, Dellwo, O'Brien, Heavey, Basich, G. Fisher, Valle, Jacobsen, Wineberry, Leonard, Pruitt, Wang, Phillips, Winsley, Sprenkle, Kremen, Holland, Haugen, Hine, Wood, R. King, Moyer, Jones, Ebersole, Scott, Brekke, Morris, Todd and Spane) (by request of Governor Gardner)

Enhancing availability of medical care for children.

The bill, was read the second time.

MOTIONS

On motion of Senator West, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the purpose of sections 3 and 4 of this act to provide, consistent with appropriated funds, health care access and services to the young citizens in this state. To this end, a children's health program is established based on the following principles:

- (1) Access to preventive and other health care services should be made more readily available for eligible children.
- (2) Unnecessary barriers to health care for children in poverty should be removed.
- (3) The status of children's health and the access to health care providers should be evaluated at appropriate intervals to determine effectiveness and need for modification.
- (4) Health care services should be delivered in a cost-effective manner.
- (5) The program should be sensitive to cultural and ethnic differences among children in poverty.

NEW SECTION. Sec. 2. For the purposes of sections 3 through 6 of this act, (1) "poverty" means at or below the federal poverty level as annually defined by the federal department of health and human services and adjusted for family size, (2) within sections 4 through 6 of this act, "committee" means the executive steering committee operating on January 1, 1990, within the department which includes staff from the department of health and which is responsible for implementation of the maternity care access program under chapter 74.09 RCW, and (3) "county" means a board of county commissioners, county council, county executive, or tribal jurisdiction.

NEW SECTION. Sec. 3. There is hereby established a new program to be known as the children's health program.

To the extent of available funds:

- (1) Medical care may be provided to persons who are under eighteen years of age with household incomes at or below the federal poverty level and not otherwise eligible for medical assistance or the limited casualty program for the medically needy.
- (2) The determination of eligibility of recipients for medical care shall be the responsibility of the department. The application process shall be easy to understand and, to the extent possible, applications shall be made available at local schools. The department shall make eligibility determinations within the timeframes for establishing eligibility for children on medical assistance, as defined by RCW 74.09.510.
- (3) The amount, scope, and duration of medical care provided to eligible children under the children's health program shall be the same as that provided to children under medical assistance, as defined in RCW 74.09.520.

NEW SECTION. Sec. 4. Local communities are encouraged to take actions necessary to make health care more accessible to children in their communities, such as coordinating the development of alternative health care delivery systems. To support communities in their efforts, the committee, in coordination with counties and to the extent funds are available, shall: (1) Provide technical assistance to counties to enable them to develop provider resources and expand coordinated provision of health care to children in poverty, and (2) recommend that financial incentives be provided within counties requesting assistance according to section 5 of this act.

NEW SECTION. Sec. 5. (1) The committee, in coordination with counties, shall identify counties experiencing significant problems with access to health care for children eligible for services under chapter 74.09 RCW, on indicators such as:

- (a) Number of primary care providers for children eligible for services under chapter 74.09 RCW;
- (b) Percent of children eligible for services under chapter 74.09 RCW;
- (c) Postneonatal mortality rate for low-income children;
- (d) Early and periodic screening, diagnosis, and treatment (EPSDT) utilization;
- (e) Teen birth rate for low-income children; and
- (f) Low birth weight rate for low-income children.

(2) The department shall provide data to each county within the state regarding its performance on the indicators in subsection (1) of this section and notify those counties having a significant problem with access, as defined in this section. The county shall also be advised of the availability of technical and financial assistance from the state in support of local remedial action.

(3) Any county, including those not identified by the committee, wishing to pursue state assistance under this section may submit a request to the committee. The request should include a description of the access problems in their community, a plan for addressing those problems, and a description of how the state's technical or financial assistance will aid them in increasing access to pediatric care for children in poverty. The request for assistance shall be prepared in consultation with the department, local community service offices, the local public

health officer, community health clinics, health care providers, hospitals, the business community, labor representatives, and low-income advocates in their area.

(4) Counties are encouraged to combine to fulfill their duties under this section. In doing so, they shall consider the organizational principles set forth in RCW 43.70.020. If after one hundred twenty days' notice by the committee that a significant problem with health care access to children exists within a county, the county has not submitted a preliminary request for assistance according to this section, the committee shall solicit or may receive requests for assistance from any health care provider within that county.

(5) The committee shall evaluate local requests for technical and financial assistance, and shall recommend funding of any or all parts of the requests, using criteria such as:

(a) The number of children proposed to receive expanded access to pediatric health care per dollar expended;

(b) Ability to meet the particular needs of the community as defined in the county request, including responsiveness to the needs of ethnic and racial minorities and addressing language barriers to access; and

(c) Capability to meet stated goals of increasing access to pediatric care.

(6) The department of social and health services shall provide financial assistance, such as grants to counties or disproportionate share payments to providers, to the extent of available funds as recommended in this section. The department of social and health services shall make such changes to the state medicaid plan or take such other action as may be needed to secure federal matching funds for grants under this section.

NEW SECTION. Sec. 6. The committee, in coordination with the department of health, shall reevaluate the state of access to care for children in poverty on at least a biennial basis and shall provide this information, along with information on the implementation of sections 1 through 5 of this act, to the board of health for their consideration for inclusion in the biennial state health report.

Sec. 7. Section 74.09.010, chapter 26, Laws of 1959 as last amended by section 11, chapter 406, Laws of 1987 and RCW 74.09.010 are each amended to read as follows:

As used in this chapter:

(1) "Department" means the department of social and health services.

(2) "Secretary" means the secretary of social and health services.

(3) "Internal management" means the administration of medical assistance, medical care services, the children's health program, and the limited casualty program.

(4) "Medical assistance" means the federal aid medical care program provided to categorically needy persons as defined under Title XIX of the federal social security act.

(5) "Medical care services" means the limited scope of care financed by state funds and provided to general assistance recipients, and recipients of alcohol and drug addiction services provided under chapter 74.50 RCW.

(6) "Limited casualty program" means the medical care program provided to medically needy persons as defined under Title XIX of the federal social security act, and to medically indigent persons who are without income or resources sufficient to secure necessary medical services.

(7) "Nursing home" means nursing home as defined in RCW 18.51.010.

(8) "Children's health program" means the medical care program provided to children under eighteen years of age and in households with incomes at or below the federal poverty level as annually defined by the federal department of health and human services as adjusted for family size, and who are not otherwise eligible for medical assistance or the limited casualty program for the medically needy.

Sec. 8. Section 9, chapter 10, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

The legislature is interested in assessing the effectiveness of the prenatal care program. However, the legislature recognizes the cost and complexity associated with such an assessment.

The legislature accepts the effectiveness of prenatal and maternity care at improving birth outcomes when these services are received by eligible persons. Therefore, the legislature intends to focus scarce assessment resources to determine the extent to which support services such as child care, psychosocial and nutritional assessment and counseling, case management, transportation, and other support services authorized by this act result in receipt of prenatal and maternity care by eligible persons.

The department shall submit its plan and budget for assessing the maternity care access system to the legislative budget committee for review. The legislative budget committee shall monitor the progress of the assessment, and make appropriate recommendations.

The department shall contract with an independent ((nonprofit entity)) contractor to evaluate the effectiveness of the maternity care access program set forth in RCW 74.09.760 through 74.09.820 based on the principles set forth in RCW 74.09.770. The evaluation shall also address:

(1) Characteristics of women receiving services, including health risk factors;

(2) Services utilized by eligible women;

(3) ((Birth outcomes of women receiving services;

(4)) Birth outcomes of women receiving services, by type of practitioner;

((5)) (4) Services utilized by eligible infants; and

((6)) (5) Referrals to other programs for services.

The department shall submit an evaluation report to the appropriate committees of the legislature by ~~((December 1, 1990))~~ November 1, 1991.

NEW SECTION. Sec. 9. Sections 1 through 6 of this act are each added to chapter 74.09 RCW.

NEW SECTION. Sec. 10. Section 8 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately. The remainder of this act shall take effect July 1, 1990."

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "health;" strike the remainder of the title and insert "amending RCW 74.09.010; amending section 9, chapter 10, Laws of 1989 1st ex. sess. (uncodified); adding new sections to chapter 74.09 RCW; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator West, Engrossed Substitute House Bill No. 2603, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2603, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2603, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Hansen - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2603, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2602, by Representatives Hine, Moyer, Rayburn, Belcher, Scott, Brooks, Heavey, Nutley, Sayan, Fraser, Miller, Dorn, Rasmussen, Hargrove, G. Fisher, R. Fisher, Rector, Leonard, Wineberry, Brough, Sprenkle, Cole, Jones, Dellwo, Haugen, Day, Ebersole, Anderson, Peery, P. King, Basich, Valle, Wang, Phillips, Winsley, Kremen, Padden, Smith, Forner, Tate, Vekich, Wood, Wolfe, D. Sommers, R. King, Van Luven, Brekke, Bowman, Morris, Cooper, H. Myers, Walker, Todd and Spanel

Changing provisions relating to support services for adoptions.

The bill was read the second time.

MOTIONS

On motion of Senator Smith, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that each year less than five percent of pregnant teens relinquish their babies for adoption in Washington state. Nationally, fewer than eight percent of pregnant teens relinquish their babies for adoption.

(2) The legislature further finds that barriers such as lack of information about adoption, inability to voluntarily enter into adoption agreements, and current state public assistance policies act as disincentives to adoption.

(3) It is the purpose of this act to support adoption as an option for women with unintended pregnancies by removing barriers that act as disincentives to adoption.

Sec. 2. Section 816, chapter 9, Laws of 1989 1st ex. sess. and RCW 74.04.005 are each amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance"—Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) "Department"—The department of social and health services.

(3) "County or local office"—The administrative office for one or more counties or designated service areas.

(4) "Director" or "secretary" means the secretary of social and health services.

(5) "Federal-aid assistance"—The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(6) (a) "General assistance"—Aid to persons in need who:

(i) Are not eligible to receive federal-aid assistance, other than food stamps and medical assistance; however, an individual who refuses or fails to cooperate in obtaining federal-aid assistance, without good cause, is not eligible for general assistance;

(ii) Are either:

(A) Pregnant: PROVIDED, That need is based on the current income and resource requirements of the federal aid to families with dependent children program: PROVIDED FURTHER, That during any period in which an aid for dependent children employable program is not in operation, only those pregnant women who are categorically eligible for medicaid are eligible for general assistance; or

(B) Incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of sixty days as determined by the department. Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance. Persons receiving general assistance on July 26, 1987, or becoming eligible for such assistance thereafter, due to an alcohol or drug-related incapacity, shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. Alcoholic and drug addicted clients who are receiving general assistance on July 26, 1987, may remain on general assistance if they otherwise retain their eligibility until they are assessed for services under chapter 74.50 RCW. This subsection (6)(a)(ii)(B) shall not be construed to prohibit the department from granting general assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the general assistance program.

(iii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law; and

(iv) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt.

(b) Notwithstanding the provisions of subsection (6)(a)(i), (ii), and (c) of this section, general assistance shall be provided to the following recipients of federal-aid assistance:

(i) Recipients of supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse; or

(ii) To the extent authorized by the legislature in the biennial appropriations act, to recipients of aid to families with dependent children whose needs are not being met because of a temporary reduction in monthly income below the entitled benefit payment level caused by loss or reduction of wages or unemployment compensation benefits or some other unforeseen circumstances. The amount of general assistance authorized shall not exceed the difference between the entitled benefit payment level and the amount of income actually received.

(c) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6) (a)(ii)(A) and (b) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication:

(i) First failure: One week;

(ii) Second failure within six months: One month;

(iii) Third and subsequent failure within one year: Two months.

(d) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(e) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(f) Recipients of general assistance based upon a finding of incapacity from gainful employment who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation. Recipients of general assistance based upon pregnancy who remain otherwise eligible and who are not eligible to receive benefits under the federal aid to families with dependent children program shall not have their benefits terminated until six weeks following the birth of the recipient's child.

(7) "Applicant"—Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(8) "Recipient"—Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(9) "Standards of assistance"—The level of income required by an applicant or recipient to maintain a level of living specified by the department.

(10) "Resource"—Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as a resource which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons or a natural disaster, shall raise a rebuttable presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as a resource which can be made available to meet need.

(b) Household furnishings and personal effects and other personal property having great sentimental value to the applicant or recipient, as limited by the department consistent with limitations on resources and exemptions for federal aid assistance.

(c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed one thousand five hundred dollars.

(d) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance.

(e) Applicants for or recipients of general assistance may retain the following described resources in addition to exemption for a motor vehicle or home and not be ineligible for public assistance because of such resources:

(i) Household furnishings, personal effects, and other personal property having great sentimental value to the applicant or recipient;

(ii) Term and burial insurance for use of the applicant or recipient;

(iii) Life insurance having a cash surrender value not exceeding one thousand five hundred dollars; and

(iv) Cash, marketable securities, and any excess of values above one thousand five hundred dollars equity in a vehicle and above one thousand five hundred dollars in cash surrender value of life insurance, not exceeding one thousand five hundred dollars for a single person or two thousand two hundred fifty dollars for a family unit of two or more. The one thousand dollar limit in subsection (10)(d) of this section does not apply to recipients of or applicants for general assistance.

(f) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property, but the recipient must sign an agreement to dispose of the property and repay assistance payments made to the date of disposition of the property which would not have been made had the disposal occurred at the beginning of the period for which the payments of such assistance were made. In no event shall such amount due the state exceed the net proceeds

otherwise available to the recipient from the disposition, unless after nine months from the date of the agreement the property has not been sold, or if the recipient's eligibility for financial assistance ceases for any other reason. In these two instances the entire amount of assistance paid during this period will be treated as an overpayment and a debt due the state, and may be recovered pursuant to RCW 43.20B.630.

(11) "Income"—(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In determining the amount of assistance to which an applicant or recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income the earned income exemptions consistent with federal requirements. The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants and recipients of public assistance, but consistent with federal requirements. In formulating rules and regulations pursuant to this chapter, the department shall define income and resources and the availability thereof, consistent with federal requirements. All resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(12) "Need"—The difference between the applicant's or recipient's standards of assistance for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his family.

(13) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom.

(14) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

Sec. 3. Section 2, chapter 155, Laws of 1984 and RCW 26.33.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alleged father" means a person whose parent-child relationship has not been terminated, who is not a presumed father under chapter 26.26 RCW, and who alleges himself or whom a party alleges to be the father of the child. It includes a person whose marriage to the mother was terminated more than three hundred days before the birth of the child or who was separated from the mother more than three hundred days before the birth of the child.

(2) "Child" means a person under eighteen years of age.

(3) "Adoptee" means a person who is to be adopted or who has been adopted.

(4) "Adoptive parent" means the person or persons who seek to adopt or have adopted an adoptee.

(5) "Court" means the superior court.

(6) "Department" means the department of social and health services.

(7) "Agency" means any public or private association, corporation, or individual licensed or certified by the department as a child placing agency under chapter 74.15 RCW or as an adoption agency.

(8) "Parent" means the natural or adoptive mother or father of a child, including a presumed father under chapter 26.26 RCW. It does not include any person whose parent-child relationship has been terminated by a court of competent jurisdiction.

(9) "Legal guardian" means the department, an agency, or a person, other than a parent or stepparent, appointed by the court to promote the child's general welfare, with the authority and duty to make decisions affecting the child's development.

(10) "Guardian ad litem" means a person, not related to a party to the action, appointed by the court to represent the best interests of a party who is under a legal disability.

(1) "Relinquish or relinquishment" means the voluntary surrender of custody of a child to the department, an agency, or prospective adoptive parents.

(2) "Birth parent" means the natural mother or natural or alleged father of a child, including a presumed father under chapter 26.26 RCW, whether or not any such person's parent-child relationship has been terminated by a court of competent jurisdiction.

NEW SECTION. Sec. 4. A new section is added to chapter 74.13 RCW to read as follows:

(1) The department of social and health services shall establish, within funds appropriated for the purpose, a reconsideration program to provide medical and counseling services through the adoption support program for children of families who apply for services after the adoption is final. Families requesting services through the program shall provide any information requested by the department for the purpose of processing the family's application for services.

(2) A child meeting the eligibility criteria for registration with the program is one who:

(a) Was residing in foster care funded by the department immediately prior to the adoptive placement;

(b) Had a physical or mental handicap or emotional disturbance that existed and was documented prior to the adoption; and

(c) Resides in the state of Washington with an adoptive parent who lacks the necessary financial means to care for the child's special need.

(3) If a family is accepted for registration and meets the criteria in subsection (2) of this section, the department may enter into an agreement for services. Prior to entering into an agreement for services through the program, the medical needs of the child must be reviewed and approved by the department's office of personal health services.

(4) Any services provided pursuant to an agreement between a family and the department shall be met from the department's medical program. Such services shall be limited to:

(a) Services provided after finalization of an agreement between a family and the department pursuant to this section;

(b) Services not covered by the family's insurance or other available assistance; and

(c) Services related to the eligible child's identified physical or mental handicap or emotional disturbance that existed prior to the adoption.

(5) Any payment by the department for services provided pursuant to an agreement shall be made directly to the physician or provider of services according to the department's established procedures.

(6) The total costs payable by the department for services provided pursuant to an agreement shall not exceed twenty thousand dollars per child.

NEW SECTION. Sec. 5. The department of social and health services shall report to the 1991 legislature regarding the applications for the program established under section 4 of this act. The report shall contain information regarding the requests for financial assistance, both those that qualify and those that do not, and shall include the estimated cost for providing the services requested.

Sec. 6. Section 4, chapter 63, Laws of 1971 ex. sess. as last amended by section 135, chapter 7, Laws of 1985 and RCW 74.13.109 are each amended to read as follows:

The secretary shall issue rules and regulations to assist in the administration of the program of adoption support authorized by RCW 26.33.320 and 74.13.100 through 74.13.145.

Disbursements from the appropriations available from the general fund shall be made pursuant to such rules and regulations and pursuant to agreements conforming thereto to be made by the secretary with parents for the purpose of supporting the adoption of children in, or likely to be placed in, foster homes or child caring institutions who are found by the secretary to be difficult to place in adoption because of physical or other reasons; including, but not limited to, physical or mental handicap, emotional disturbance, ethnic background, language, race, color, age, or sibling grouping.

Such agreements shall meet the following criteria:

(1) The child whose adoption is to be supported pursuant to such agreement shall be or have been a child hard to place in adoption.

(2) Such agreement must relate to a child who was or is residing in a foster home or child-caring institution or a child who, in the judgment of the secretary, is both eligible for, and likely to be placed in, either a foster home or a child-caring institution.

(3) Such agreement shall provide that adoption support shall not continue beyond the time that the adopted child reaches eighteen years of age, becomes emancipated, dies, or otherwise ceases to need support, provided that if the secretary shall find that continuing dependency of such child after such child reaches eighteen years of age warrants the continuation of support pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 the secretary may do so, subject to all the provisions of RCW 26.33.320 and 74.13.100 through 74.13.145, including annual review of the amount of such support.

(4) Any prospective parent who is to be a party to such agreement shall be a person who (~~while having~~) has the character, judgment, sense of responsibility, and disposition which make him or her suitable as an adoptive parent of such child (~~lacks the financial means fully to care for such hard to place child~~).

Sec. 7. Section 11, chapter 63, Laws of 1971 ex. sess. as last amended by section 142, chapter 7, Laws of 1985 and RCW 74.13.130 are each amended to read as follows:

~~((If the secretary determines that a prospective adoptive parent or parents cannot, because of limited financial means, pay the cost or the full cost of an adoption proceeding for the adoption of a hard to place child who would be eligible for support under RCW 26.33.320 and 74.13.100 through 74.13.145, the secretary may authorize the payment from the appropriations available from the general fund of all or part a reasonable attorney's fee to be determined by the superior court hearing the adoption and court costs. The clerk of the court shall furnish the secretary with a certified copy of the decree of adoption containing the finding as to such attorney's fee.~~

~~In evaluating any such prospective parent's ability to pay the secretary may use the same criteria for evaluating ability to pay which are to be used by him in waiving, reducing, or deferring fees pursuant to RCW 74.13.103 plus the burdens likely to be assumed by such parent even after adoption support is provided pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145.) The secretary may authorize the payment, from the appropriations available from the general fund, of all or part of the nonrecurring adoption expenses incurred by a prospective parent. "Nonrecurring adoption expenses" means those expenses incurred by a prospective parent in connection with the adoption of a difficult to place child including, but not limited to, attorneys' fees, court costs, and agency fees. Payment shall be made in accordance with rules adopted by the department.~~

~~This section shall have retroactive application to January 1, 1987. For purposes of retroactive application, the secretary may provide reimbursement to any parent who adopted a difficult to place child between January 1, 1987, and one year following the effective date of this act, regardless of whether the parent had previously entered into an adoption support agreement with the department.~~

NEW SECTION. Sec. 8. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. Sections 1 through 3 and 8 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "adoption," strike the remainder of the title and insert "amending RCW 74.04.005, 26.33.020, 74.13.109, and 74.13.130; adding a new section to chapter 74.13 RCW; creating new sections; and declaring an emergency."

MOTION

On motion of Senator Smith, Engrossed House Bill No. 2602, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2602, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2602, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Conner, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Paterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogniild, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senators Bluechel, Cantu, Craswell, von Reichbauer - 4.

Excused: Senator Hansen - 1.

ENGROSSED HOUSE BILL NO. 2602, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1890, by Representatives R. Fisher and Anderson

Changing provisions concerning redistricting.

The bill was read the second time.

MOTION

Senator McCaslin moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 3, after "~~forty-nine~~" strike all material down to and including "area" on line 6, and insert "legislative districts"

On page 2, after line 6, insert the following:

"(4) The house of representatives shall consist of ninety-eight members, two of whom shall be elected from each legislative district. The senate shall consist of forty-nine members, one of whom shall be elected from each legislative district."

On page 2, line 7, strike "~~(4)~~" and insert "(5)"

MOTION

On motion of Senator McCaslin, further consideration of House Bill No. 1890 was deferred.

SECOND READING

HOUSE BILL NO. 2546, by Representatives Phillips, Hankins, Nelson, May, R. Meyers, Miller, Jacobsen, Brooks, Todd, Anderson, Jesernig and Jones

Renewing the Washington telephone assistance program.

The bill was read the second time.

MOTIONS

On motion of Senator Benitz, the following Committee on Energy and Utilities amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 13, chapter 101, Laws of 1989 and RCW 80.04.130 are each amended to read as follows:

(1) Whenever any public service company shall file with the commission any schedule, classification, rule or regulation, the effect of which is to change any rate, charge, rental or toll theretofore charged, the commission shall have power, either upon its own motion or upon complaint, upon notice, to enter upon a hearing concerning such proposed change and the reasonableness and justice thereof, and pending such hearing and the decision thereon the commission may suspend the operation of such rate, charge, rental or toll for a period not exceeding ten months from the time the same would otherwise go into effect, and after a full hearing the commission may make such order in reference thereto as would be provided in a hearing initiated after the same had become effective. The commission shall not suspend a tariff that makes a decrease in a rate, charge, rental, or toll filed by a telecommunications company pending investigation of the fairness, justice, and reasonableness of the decrease when the filing does not contain any offsetting increase to another rate, charge, rental, or toll and the filing company agrees to not file for an increase to any rate, charge, rental, or toll to recover the revenue deficit that results from the decrease for a period of one year. The filing company shall file with any decrease sufficient information as the commission by rule may require to demonstrate the decreased rate, charge, rental, or toll is above the long run incremental cost of the service. A tariff decrease that results in a rate that is below long run incremental cost, or is contrary to commission rule or order, or the requirements of this chapter, shall be rejected for filing and returned to the company. The commission may prescribe a different rate to be effective on the prospective date stated in its final order after its investigation, if it concludes based on the record that the originally filed and effective rate is unjust, unfair, or unreasonable.

The commission may suspend the initial tariff filing of any water company removed from and later subject to commission jurisdiction because of the number of customers or the average annual gross revenue per customer provisions of RCW 80.04.010. The commission may allow temporary rates during the suspension period. These rates shall not exceed the rates charged when the company was last regulated. Upon a showing of good cause by the company, the commission may establish a different level of temporary rates.

(2) At any hearing involving any change in any schedule, classification, rule or regulation the effect of which is to increase any rate, charge, rental or toll theretofore charged, the burden of proof to show that such increase is just and reasonable shall be upon the public service company.

(3) The implementation of mandatory local measured telecommunications service is a major policy change in available telecommunications service. The commission shall not accept for filing or approve, prior to June 1, 1993, a tariff filed by a telecommunications company which imposes mandatory local measured service on any customer or class of customers, except that, upon finding that it is in the public interest, the commission may accept for filing and approve a tariff that imposes mandatory measured service for a telecommunications

company's extended area service or foreign exchange service. This subsection does not apply to land, air, or marine mobile service, or to pay telephone service, or to any service which has been traditionally offered on a measured service basis.

(4) The implementation of ~~((lifetime))~~ Washington telephone assistance program service is a major policy change in available telecommunications service. The implementation of ~~((lifetime))~~ Washington telephone assistance program service will aid in achieving the stated goal of universal telephone service.

Sec. 2. Section 4, chapter 229, Laws of 1987 and RCW 80.36.420 are each amended to read as follows:

~~((Lifetime assistance))~~ The Washington telephone assistance program shall be available to participants of department programs set forth in RCW 80.36.470. ~~((Lifetime))~~ Assistance shall consist of the following components:

(1) A discount on service connection fees of fifty percent or more as set forth in RCW 80.36.460.

(2) A waiver of deposit requirements on local exchange service, as set forth in RCW 80.36.460.

(3) A discounted flat rate ~~((lifetime))~~ service ~~((rate))~~ for local exchange service, which shall be subject to the following conditions:

(a) The commission shall establish a single ~~((lifetime service))~~ telephone assistance rate for all local exchange companies operating in the state of Washington. The ~~((lifetime service))~~ telephone assistance rate shall include any federal end user access charges and any other charges necessary to obtain local exchange service.

(b) The commission shall, in establishing the ~~((lifetime service))~~ telephone assistance rate, consider all charges for local exchange service, including federal end user access charges, mileage charges, extended area service, and any other charges necessary to obtain local exchange service.

(c) The ~~((lifetime service))~~ telephone assistance rate shall only be available to eligible customers subscribing to the lowest available local exchange flat rate service, where the lowest local exchange flat rate, including any federal end user access charges and any other charges necessary to obtain local exchange service, is greater than the ~~((lifetime service))~~ telephone assistance rate. Low-income senior citizens sixty years of age and older and other low-income persons identified by the department as medically needy shall, where single-party service is available, be provided with single-party service as the lowest available local exchange flat rate service.

(d) The cost of providing the ~~((lifetime))~~ service shall be paid, to the maximum extent possible, by a waiver of all or part of the federal end user access charge and, to the extent necessary, from the ~~((lifetime))~~ telephone assistance fund created by RCW 80.36.430.

Sec. 3. Section 5, chapter 229, Laws of 1987 and RCW 80.36.430 are each amended to read as follows:

~~((Costs associated with lifetime telephone service))~~ The Washington telephone assistance program shall be ~~((recovered through))~~ funded by a ~~((lifetime surcharge))~~ telephone assistance excise tax on all ~~((other))~~ switched access lines and by funds from any federal government or other programs for this purpose. Switched access lines are defined in RCW 82.14B.020. The ~~((lifetime surcharge))~~ telephone assistance excise tax shall be applied equally to all residential and business access lines not to exceed ~~((sixteen))~~ fourteen cents per month. ((The surcharge collected by the telecommunications companies shall not be construed as gross income or gross receipts for purposes of state, county or municipal public utility taxes.)) The telephone assistance excise tax shall be separately identified on each ratepayer's bill as the "Washington telephone assistance program." All money collected from the ~~((lifetime surcharge))~~ telephone assistance excise tax shall be transferred to a ~~((lifetime))~~ telephone assistance fund administered by the department. Local exchange companies shall bill the fund for their expenses incurred in offering ~~((lifetime telecommunications services))~~ the telephone assistance program, including administrative and program expenses. The department shall disburse the money to the local exchange companies. The department is exempted from having to conclude a contract with local exchange companies in order to effect this reimbursement. The department shall recover its administrative costs from the fund. The department may specify by rule the range and extent of administrative and program expenses that will be reimbursed to local exchange companies.

Sec. 4. Section 6, chapter 229, Laws of 1987 and RCW 80.36.440 are each amended to read as follows:

The commission and the department may adopt any rules necessary to implement RCW 80.36.410 through ~~((80-36-460))~~ 80.36.470.

Sec. 5. Section 8, chapter 229, Laws of 1987 and RCW 80.36.460 are each amended to read as follows:

Local exchange companies shall file tariffs with the commission which waive deposits on local exchange service for eligible subscribers and which establish a fifty percent discount on service connection fees for eligible subscribers. Part or all of the remaining fifty percent of service connection fees may be paid by funds from federal government or other programs for this

purpose. The commission or other appropriate agency shall make timely application for any available federal funds. The remaining portion of the connection fee to be paid by the subscriber shall be expressly payable by installment fees spread over a period of months. A subscriber may, however, choose to pay the connection fee in a lump sum. Costs associated with the waiver and discount shall be accounted for separately and recovered from the ((lifetime)) telephone assistance fund. Eligible subscribers shall be allowed one waiver of a deposit and one discount on service connection fees per year.

Sec. 6. Section 9, chapter 229, Laws of 1987 and RCW 80.36.470 are each amended to read as follows:

~~((Participants in the following department programs are eligible for lifetime assistance: Aid to families with dependent children, chore services, food stamps, supplemental security income, refugee assistance, and community options program entry system (COPE);)) Adult recipients of department-administered programs for the financially needy which provide continuing financial or medical assistance, food stamps, or supportive services to persons in their own homes are eligible for participation in the telephone assistance program. The department shall notify the participants of their eligibility.~~

NEW SECTION. Sec. 7. A new section is added to chapter 80.36 RCW to read as follows:

The department shall report to the energy and utilities committees of the house of representatives and the senate by December 1 of each year on the status of the Washington telephone assistance program. The report shall include the number of participants by qualifying social service programs receiving benefits from the telephone assistance program and the type of benefits participants receive. The report shall also include a description of the geographical distribution of participants, the program's annual revenue and expenditures, and any recommendations for legislative action.

Sec. 8. Section 12, chapter 229, Laws of 1987 (uncodified) is amended to read as follows:

RCW 80.36.410 through ~~((80.36.480))~~ 80.36.470 shall expire June 30, ~~((1990))~~ 1993, unless extended by the legislature.

NEW SECTION. Sec. 9. Section 10, chapter 229, Laws of 1987 and RCW 80.36.480 are each repealed."

On motion of Senator Benitz, the following title amendment was adopted.

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 80.04.130, 80.36.420, 80.36.430, 80.36.440, 80.36.460, and 80.36.470; amending section 12, chapter 229, Laws of 1987 (uncodified); adding a new section to chapter 80.36 RCW; repealing RCW 80.36.480; and providing an expiration date."

MOTION

On motion of Senator Benitz, House Bill No. 2546, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2546, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2546, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognlind, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senators Cantu, Sutherland - 2.

Absent: Senator Kreidler - 1.

Excused: Senator Hansen - 1.

HOUSE BILL NO. 2546, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2644, by Committee on Appropriations (originally sponsored by Representatives Silver, Hine, Sayan, McLean, D. Sommers, H. Sommers, Peery and Spanel) (by request of Joint Committee on Pension Policy)

Revising provisions relating to retirement systems.

The bill was read the second time.

MOTION

Senator Anderson moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. (1) The current system for calculating service credit for school district employees is difficult and costly to administer. By changing from the current hours per month calculation to an hours per year calculation, the accumulation of service credit by school district employees will be easier to understand and to administer.

(2) The current system for granting service credit for substitute teachers is difficult and costly to administer. By notifying substitute teachers of their eligibility for service credit and allowing the substitute teacher to apply for service credit, the accumulation of service credit by substitute teachers will be easier to understand and to administer.

(3) Currently, temporary employees in eligible positions in the public employees' retirement system are exempted from membership in the system for up to six months. If the position lasts for longer than six months the employee is made a member retroactively. This conditional exemption causes tracking problems for the department of retirement systems and places a heavy financial burden for back contributions on a temporary employee who crosses the six-month barrier. Under the provisions of this act all persons, other than retirees, who are hired in an eligible position will become members immediately, thereby alleviating the problems described in this section.

(4) The legislature finds that retirees from the plan II systems of the law enforcement officers and fire fighters retirement system, the teachers retirement system, and the public employees retirement system, may not work for a nonfederal public employer without suffering a suspension of their retirement benefits. This fails to recognize the current and projected demographics indicating the decreasing work force and that the expertise possessed by retired workers can provide a substantial benefit to the state. At the same time, the legislature recognizes that a person who is working full time should have his or her pension delayed until he or she enters full or partial retirement. By allowing plan II retirees to work in ineligible positions, the competing concerns listed above are both properly addressed.

Sec. 2. Section 6, chapter 13, Laws of 1985 as amended by section 1, chapter 265, Laws of 1987 and RCW 41.32.010 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) (a) "Accumulated contributions" for persons who establish membership in the retirement system on or before September 30, 1977, means the sum of all regular annuity contributions with regular interest thereon.

(b) "Accumulated contributions" for persons who establish membership in the retirement system on or after October 1, 1977, means the sum of all contributions standing to the credit of a member in the member's individual account together with the regular interest thereon.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the director and regular interest.

(3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member.

(4) "Annuity fund" means the fund in which all of the accumulated contributions of members are held.

(5) "Annuity reserve fund" means the fund to which all accumulated contributions are transferred upon retirement.

(6) (a) "Beneficiary" for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(7) "Contract" means any agreement for service and compensation between a member and an employer.

(8) "Creditable service" means membership service plus prior service for which credit is allowable. This subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(9) "Dependent" means receiving one-half or more of support from a member.

(10) "Disability allowance" means monthly payments during disability. This subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(11) (a) (i) "Earnable compensation" for persons who establish membership in the retirement system on or before September 30, 1977, means all salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered during a fiscal year. In all cases where compensation includes maintenance the employer

shall fix the value of that part of the compensation not paid in money: PROVIDED, That retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That if a leave of absence, without pay, is taken by a member for the purpose of serving as a member of the state legislature, and such member has served in the legislature five or more years, the salary which would have been received for the position from which the leave of absence was taken shall be considered as compensation earnable if the employee's contribution thereon is paid by the employee. In addition, where a member has been a member of the state legislature for five or more years, earnable compensation for the member's two highest compensated consecutive years of service shall include a sum not to exceed thirty-six hundred dollars for each of such two consecutive years, regardless of whether or not legislative service was rendered during those two years.

(ii) For members employed less than full time under written contract with a school district, or community college district, in an instructional position, for which the member receives service credit of less than one year in all of the years used to determine the earnable compensation used for computing benefits due under RCW 41.32.497, 41.32.498, and 41.32.520, the member may elect to have earnable compensation defined as provided in RCW 41.32.011. For the purposes of this subsection, the term "instructional position" means a position in which more than seventy-five percent of the member's time is spent as a classroom instructor (including office hours), a librarian, or a counselor. Earnable compensation shall be so defined only for the purpose of the calculation of retirement benefits and only as necessary to insure that members who receive fractional service credit under RCW 41.32.270 receive benefits proportional to those received by members who have received full-time service credit.

(b) "Earnable compensation" for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED, That retroactive payments to an individual by an employer on reinstatement of the employee in a position or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation, to the extent provided above, and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That in any year in which a member serves in the legislature the member shall have the option of having such member's earnable compensation be the greater of:

(i) the earnable compensation the member would have received had such member not served in the legislature; or

(ii) such member's actual earnable compensation received for teaching and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under subparagraph (i) of this subsection is greater than compensation earnable under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(12) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(13) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(14) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

(15) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(16) "Member" means any teacher included in the membership of the retirement system. Also, any other employee of the public schools who, on July 1, 1947, had not elected to be exempt from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the annuity fund.

(17) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system: PROVIDED, That where a member is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service is rendered. The provisions of this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(18) "Pension" means the moneys payable per year during life from the pension reserve fund.

(19) "Pension reserve fund" is a fund in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system and from which all pension obligations are to be paid.

(20) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable. The provisions of this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(21) "Prior service contributions" means contributions made by a member to secure credit for prior service. The provisions of this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(22) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and Washington State University.

(23) "Regular contributions" means the amounts required to be deducted from the compensation of a member and credited to the member's individual account in the annuity fund. This subsection shall apply only to persons establishing membership in the retirement system on or before September 30, 1977.

(24) "Regular interest" means such rate as the director may determine.

(25) (a) "Retirement allowance" for persons who establish membership in the retirement system on or before September 30, 1977, means the sum of annuity and pension or any optional benefits payable in lieu thereof.

(b) "Retirement allowance" for persons who establish membership in the retirement system on or after October 1, 1977, means monthly payments to a retiree or beneficiary as provided in this chapter.

(26) "Retirement system" means the Washington state teachers' retirement system.

(27) (a) "Service" means the time during which a member has been employed by an employer for compensation: PROVIDED, That where a member is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service is rendered.

(b) "Service" for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for which earnable compensation is earned (~~for ninety or more hours per calendar month. Members~~) subject to the following conditions:

(i) A member employed in an eligible position or as a substitute shall receive ((~~twelve months of~~) service ((~~for each contract year or school year of employment~~)) credit for each month of September through August of the following year if he or she earns earnable compensation for eight hundred ten or more hours during that period and is employed during nine of those months, except that a member may not receive credit for any period prior to the member's employment in an eligible position;

((ii) If a member in an eligible position does not meet the requirements of (b)(i) of this subsection, he or she will receive service credit only for those calendar months during which he or she has received compensation for ninety or more hours.

Any person who is a member of the teachers' retirement system and who is elected or appointed to a state elective position may continue to be a member of the retirement system and continue to receive service credit for the time spent in a state elective position by making the required member contributions.

When an individual is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

Notwithstanding RCW 41.32.240, teachers covered by RCW 41.32.755 through 41.32.825, who render service need not serve for ninety days to obtain membership so long as the required contribution is submitted for such ninety-day period. Where a member did not receive service credit under RCW 41.32.775 through 41.32.825 due to the ninety-day period in RCW 41.32.240 the member may receive service credit for that period so long as the required contribution is submitted for the period. Anyone entering membership on or after October 1, 1977, and prior to July 1, 1979, shall have until June 30, 1980, to make the required contribution in one lump sum.

The department shall adopt rules implementing this subsection (27)(b).

(28) "Survivors' benefit fund" means the fund from which survivor benefits are paid to dependents of deceased members. This subsection shall apply only to persons establishing membership in the retirement system on or before September 30, 1977.

(29) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity. The term includes state, educational service district, and school district superintendents and their assistants and all employees certificated by the superintendent of public instruction; and in addition thereto any full time school doctor who is employed by a public school and renders service of an instructional or educational nature.

(30) "Average final compensation" for persons who establish membership in the retirement system on or after October 1, 1977, means the member's average earnable compensation of the highest consecutive sixty months of service prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation.

(31) ~~"Retiree" ((for persons who establish membership in the retirement system on or after October 1, 1977;))~~ means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(32) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(33) "Director" means the director of the department.

(34) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(35) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(36) "Retirement board" means the director of retirement systems.

(37) "Substitute teacher" means:

(a) A teacher who is hired by a school district to work as a temporary teacher, except for teachers who are contract employees of a school district and are guaranteed a minimum number of hours; or

(b) Persons who work in ineligible positions in more than one school district.

(38) "Eligible position" in plan II means a position which normally requires two or more uninterrupted months of creditable service during September through August of the following year.

Sec. 3. Section 1, chapter 274, Laws of 1947 as last amended by section 1, chapter 289, Laws of 1989 and by section 1, chapter 309, Laws of 1989 and RCW 41.40.010 are each re-enacted and amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the public employees' retirement system provided for in this chapter.

(2) "Retirement board" means the board provided for in this chapter and chapter 41.26 RCW.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) (a) "Employer" for persons who establish membership in the retirement system on or before September 30, 1977, means every branch, department, agency, commission, board, and office of the state, any political subdivision or association of political subdivisions of the state admitted into the retirement system, and legal entities authorized by RCW 35.63.070 and 36.70.060 or chapter 39.34 RCW as now or hereafter amended; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter. The term may also include any city of the first class that has its own retirement system.

(b) "Employer" for persons who establish membership in the retirement system on or after October 1, 1977, means every branch, department, agency, commission, board, and office of the state, and any political subdivision and municipal corporation of the state admitted into the retirement system, including public agencies created pursuant to RCW 35.63.070, 36.70.060, and 39.34.030.

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.120.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided the member has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve-month period preceding the said admission date;

(e) Any member who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement has rendered five or more

years of service for the state or any political subdivision prior to the time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8) (a) "Compensation earnable" for persons who establish membership in the retirement system on or before September 30, 1977, means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money, maintenance compensation shall be included upon the basis of the schedules established by the member's employer: PROVIDED, That retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That if a leave of absence is taken by an individual for the purpose of serving in the state legislature, the salary which would have been received for the position from which the leave of absence was taken, shall be considered as compensation earnable if the employee's contribution is paid by the employee and the employer's contribution is paid by the employer or employee.

(b) "Compensation earnable" for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude nonmoney maintenance compensation and lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED, That retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable to the extent provided above, and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That in any year in which a member serves in the legislature, the member shall have the option of having such member's compensation earnable be the greater of:

(i) the compensation earnable the member would have received had such member not served in the legislature; or

(ii) such member's actual compensation earnable received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under subparagraph (i) of this subsection is greater than compensation earnable under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(9) (a) "Service" for persons who establish membership in the retirement system on or before September 30, 1977, means periods of employment rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Full time work for seventy hours or more in any given calendar month shall constitute one month of service except as provided in RCW 41.40.450. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: PROVIDED, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system: PROVIDED FURTHER, That an individual shall receive no more than a total of twelve months of service credit during any calendar year: PROVIDED FURTHER, That where an individual is employed by two or more employers the individual shall only receive one months service credit during any calendar month in which multiple service for seventy or more hours is rendered. ~~((Members employed by school districts, the state school for the blind, the state school for the deaf, institutions of higher education, and community colleges may receive up to twelve months of service credit for each school year of employment, subject to RCW 41.40.450.))~~

(b) "Service" for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for which compensation earnable is earned for ninety or more hours per calendar month except as provided in RCW 41.40.450.

Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits. ~~((Members employed by school districts,~~

the state school for the blind, the state school for the deaf, institutions of higher education, and community colleges may receive up to twelve months of service credit for each school year of employment, subject to RCW 41.40.450.))

Service in any state elective position shall be deemed to be full time service, except that persons serving in state elective positions who are members of the teachers' retirement system or law enforcement officers' and fire fighters' retirement system at the time of election or appointment to such position may elect to continue membership in the teachers' retirement system or law enforcement officers' and fire fighters' retirement system.

A member shall receive a total of not more than twelve months of service for such calendar year: PROVIDED, That when an individual is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

(10) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(11) "Membership service" means:

(a) All service rendered, as a member, after October 1, 1947;

(b) All service after October 1, 1947, to any employer prior to the time of its admission into the retirement system: PROVIDED, That an amount equal to the employer and employee contributions which would have been paid to the retirement system on account of such service shall have been paid to the retirement system with interest (as computed by the department) on the employee's portion prior to retirement of such person, by the employee or his employer, except as qualified by RCW 41.40.120: PROVIDED FURTHER, That employer contributions plus employee contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employees' savings fund and be treated as any other contribution made by the employee, with the exception that the contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall be excluded from the calculation of the member's annuity in the event the member selects a benefit with an annuity option;

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of the total amount of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service was rendered if the member had been a member during such period, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member:

(d) Service not to exceed six consecutive months of probationary service, rendered after October 1, 1947, and before April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of five percent of such member's salary during said period of probationary service, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member.

(12) (a) "Beneficiary" for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(13) "Regular interest" means such rate as the director may determine.

(14) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in the member's individual account together with the regular interest thereon.

(15) (a) "Average final compensation" for persons who establish membership in the retirement system on or before September 30, 1977, means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service for which service credit is allowed; or if the member has less than two years of service then the annual average compensation earnable during the total years of service for which service credit is allowed.

(b) "Average final compensation" for persons who establish membership in the retirement system on or after October 1, 1977, means the member's average compensation earnable of the highest consecutive sixty months of service prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation.

(16) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of employment.

(17) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(18) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(19) "Retirement allowance" means the sum of the annuity and the pension.

(20) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.120.

(21) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the director.

(22) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(23) "Eligible position" means:

(a) Any position which normally requires five or more (~~uninterrupted~~) months of service a year for which regular compensation is paid to the occupant thereof. For purposes of this chapter an employer shall not define "position" in such a manner that an employee's work for that employer is divided into more than one position;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(24) "Ineligible position" means any position which does not conform with the requirements set forth in subdivision (23).

(25) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(26) "Totally incapacitated for duty" means total inability to perform the duties of a member's employment or office or any other work for which the member is qualified by training or experience.

(27) "Retiree" (~~for persons who establish membership in the retirement system on or after October 1, 1977;~~) means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(28) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(29) "Director" means the director of the department.

(30) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(31) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

Sec. 4. Section 1, chapter 23, Laws of 1973 as last amended by section 2, chapter 289, Laws of 1989 and RCW 41.40.450 are each amended to read as follows:

~~(1) (During the regular contract year or school year of employment, members employed by school districts shall receive service credit in any month in which the school is closed for a vacation period of five calendar days or more. For members who established membership in the retirement system on or before September 30, 1977, the member shall have been employed or on paid leave of absence for at least three and one-half hours each day the school was open or shall have received compensation for service averaging at least three and one-half hours for each such day. For members who established membership in the retirement system on or after October 1, 1977, the member shall have been employed or on paid leave of absence for at least four and one-half hours each day the school was open or shall have received compensation for service averaging at least four and one-half hours for each such day.~~

~~(2) Notwithstanding any other law, or rule or regulation of the director, any members) A plan I member who is employed by a school district or districts, an educational school district, the state school for the deaf, the state school for the blind, institutions of higher education, or community colleges:~~

~~(a) Shall receive service credit for each month of the period from September through August of the following year if he or she is employed in an eligible position, earns compensation earnable for six hundred thirty hours or more during that period, and is employed during nine months of that period, except that a member may not receive credit for any period prior to the member's employment in an eligible position;~~

~~(b) If a member in an eligible position does not meet the requirements of (a) of this subsection, the member is entitled to service credit only for those calendar months during which he or she received compensation for seventy or more hours.~~

~~(2) A plan II member who is employed by a school district or districts, an educational school district, the state school for the blind, the state school for the deaf, institutions of higher education, or community colleges (who are actually employed on a continuous nine month basis and who earn at least nine months of service credit under RCW 41.40.010(9) during the contract year or school year of employment shall receive credit for twelve months of service.~~

~~(3) The provisions of subsection (2) of this section shall be effective on a retroactive basis for all members who retire after July 23, 1989);~~

~~(a) Shall receive service credit for each month of the period from September through August of the following year if he or she is employed in an eligible position, earns compensation earnable for eight hundred ten hours or more during that period, and is employed during nine months of that period, except that a member may not receive credit for any period prior to the member's employment in an eligible position;~~

(b) If a member in an eligible position does not meet the requirements of (a) of this subsection, the member is entitled to service credit only for those calendar months during which he or she received compensation for ninety or more hours.

(3) The department shall adopt rules implementing this section.

NEW SECTION. Sec. 5. A new section is added to chapter 41.32 RCW to read as follows:

Substitute teachers may apply to the department to receive service credit after the end of the last day of instruction of the school year during which the service was performed.

(1) The application must:

- (a) Include a list of the employers the substitute teacher has worked for;
- (b) Include proof of hours worked and compensation earned; and
- (c) Be made prior to retirement.

(2) If the department accepts the substitute teacher's application for service credit, the substitute teacher may obtain service credit by paying the required contribution to the retirement system. The employer must pay the required employer contribution upon notice from the department that the substitute teacher has made contributions under this section.

(3) The department shall charge interest prospectively on employee contributions that are submitted under this section more than six months after the end of the school year, as defined in RCW 28A.01.020, for which the substitute teacher is seeking service credit. The interest rate charged to the employee shall take into account interest lost on employer contributions delayed for more than six months after the end of the school year.

(4) Each school district shall quarterly notify each substitute teacher it has employed during the school year of the number of hours worked by, and the compensation paid to, the substitute teacher.

(5) The department shall adopt rules implementing this section.

Sec. 6. Section 2, chapter 227, Laws of 1984 as last amended by section 24, chapter 109, Laws of 1988 and RCW 41.04.445 are each amended to read as follows:

(1) This section applies to all members (~~without exception~~) who are:

(a) Judges under the retirement system established under chapter 2.10, 2.12, or 2.14 RCW;

(b) Employees of the state under the retirement system established by chapter 41.32, 41.40, or 43.43 RCW;

(c) Employees of school districts under the retirement system established by chapter 41.32 or 41.40 RCW, except for substitute teachers as defined by RCW 41.32.010(37);

(d) Employees of educational service districts under the retirement system established by chapter 41.32 or 41.40 RCW; or

(e) Employees of community college districts under the retirement system established by chapter 41.32 or 41.40 RCW.

(2) Only for compensation earned after the effective date of the implementation of this section and as provided by section 414(h) of the federal internal revenue code, the employer of all the members specified in subsection (1) of this section shall pick up only those member contributions as required under:

(a) RCW 2.10.090(1);

(b) RCW 2.12.060;

(c) RCW 2.14.090;

(d) RCW 41.32.260(2);

(e) RCW 41.32.350;

(f) RCW 41.32.775;

(g) RCW 41.40.330 (1) and (3);

(h) RCW 41.40.650; and

(i) RCW 43.43.300.

(3) Only for the purposes of federal income taxation, the gross income of the member shall be reduced by the amount of the contribution to the respective retirement system picked up by the employer.

(4) All member contributions to the respective retirement system picked up by the employer as provided by this section, plus the accrued interest earned thereon, shall be paid to the member upon the withdrawal of funds or lump-sum payment of accumulated contributions as provided under the provisions of the retirement systems.

(5) At least forty-five days prior to implementing this section, the employer shall provide:

(a) A complete explanation of the effects of this section to all members; and

(b) Notification of such implementation to the director of the department of retirement systems.

Sec. 7. Section 35, chapter 80, Laws of 1947 as last amended by section 6, chapter 189, Laws of 1973 1st ex. sess. and RCW 41.32.350 are each amended to read as follows:

~~((Each year during which he is employed each member shall contribute five percent of his earnable compensation. These))~~ Member contributions shall be placed in the annuity fund, the disability reserve fund and the death benefit fund. A member may make an additional lump sum payment at date of retirement, not to exceed his accumulated contributions, to purchase additional annuity ~~((PROVIDED That effective July 1, 1974, the amount of))~~. A contribution ((required from each member by this section shall be increased to)) of six percent of ((his))

earnable compensation is required from each member, except as provided under section 5 of this 1990 act.

Sec. 8. Section 3, chapter 236, Laws of 1984 as amended by section 18, chapter 273, Laws of 1989 and RCW 41.32.403 are each amended to read as follows:

The amount paid by each employer shall be computed by applying the rates established under chapter 41.45 RCW to the total earnable compensation of the employer's members as shown on the current payrolls of the employer. The employer's contribution shall be paid at the end of each month in the amount due for that month, except as provided in section 5 of this 1990 act.

Sec. 9. Section 6, chapter 293, Laws of 1977 ex. sess. as last amended by section 19, chapter 273, Laws of 1989 and RCW 41.32.775 are each amended to read as follows:

The required contribution rates to the retirement system for both members and employers shall be established by the director from time to time as may be necessary upon the advice of the state actuary: PROVIDED, That the employer contribution shall be contributed as provided in RCW 41.32.403. The state actuary shall use the aggregate actuarial cost method to calculate contribution rates. The employer contribution rate calculated under this section shall be used only for the purpose of determining the amount of employer contributions to be deposited in the plan II fund from the total employer contributions collected under RCW 41.32.403.

Contribution rates required to fund the costs of the retirement system shall always be equal for members and employers, except as herein provided. Effective January 1, 1987, however, no member or employer contributions are required for any calendar month in which the member is not granted service credit. Any adjustments in contribution rates required from time to time for future costs shall likewise be shared equally by the members and employers.

Any increase in the contribution rate required as the result of a failure of an employer to make any contribution required by this section shall be borne in full by the employer not making the contribution.

The director shall notify all employers of any pending adjustment in the required contribution rate and such increase shall be announced at least thirty days prior to the effective date of the change.

Members contributions required by this section shall be deducted from the members earnable compensation each payroll period, except as provided in section 5 of this 1990 act. The members contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends and the employers contribution shall be remitted as provided by law.

Sec. 10. Section 13, chapter 274, Laws of 1947 as last amended by section 25, chapter 109, Laws of 1988 and RCW 41.40.120 are each amended to read as follows:

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers, as defined in this chapter, with the following exceptions:

(1) Persons in ineligible positions;

(2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;

(3) (a) Persons holding elective offices or persons appointed directly by the governor: PROVIDED, That such persons shall have the option of applying for membership during such periods of employment: AND PROVIDED FURTHER, That any persons holding or who have held elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership to be effective during such term or terms of office, and shall be allowed to establish the service credit applicable to such term or terms of office upon payment of the employee contributions therefor by the employee with interest as determined by the director and employer contributions therefor by the employer or employee with interest as determined by the director: AND PROVIDED FURTHER, That all contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employee's savings fund and be treated as any other contribution made by the employee, with the exception that any contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall not be considered part of the member's annuity for any purpose except withdrawal of contributions;

(b) A member holding elective office in a town or city who has elected to apply for membership pursuant to (a) of this subsection and who later wishes to be eligible for a retirement allowance shall have the option of ending his or her membership in the retirement system. A member wishing to end his or her membership under this subsection must file, on a form supplied by the department, a statement indicating that the member agrees to irrevocably abandon any claim for service for future periods served as an elected official of a town or city. A member who receives more than ten thousand dollars per year in compensation for his or her elective service is not eligible for the option provided by this subsection (3)(b);

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: PROVIDED, HOWEVER, In any case where the retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: AND PROVIDED FURTHER, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits: AND PROVIDED FURTHER, That an employee shall not either before or after June 7, 1984, be excluded from membership or denied service credit pursuant to this subsection solely on account of: (a) Membership in the plan created under chapter 2.14 RCW; or (b) enrollment under the relief and compensation provisions or the pension provisions of the volunteer ~~((firemen's))~~ fire fighters' relief and pension fund under chapter 41.24 RCW;

(5) Patient and inmate help in state charitable, penal, and correctional institutions;

(6) "Members" of a state veterans' home or state soldiers' home;

(7) Persons employed by an institution of higher learning or community college, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;

(8) Employees of an institution of higher learning or community college during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to an employer on a fee, retainer, or contract basis or when the income from these services is less than fifty percent of the gross income received from the person's practice of a profession;

(10) Persons appointed after April 1, 1963, by the liquor control board as agency vendors;

(11) Employees of a labor guild, association, or organization: PROVIDED, That elective officials and employees of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership;

(12) ~~((Persons hired))~~ Plan I retirees employed in eligible positions on a temporary basis for a period not to exceed ~~((six))~~ five months in a calendar year: PROVIDED, That if such employees are employed for more than ~~((six))~~ five months in a calendar year in an eligible position they shall become members of the system prospectively;

(13) Persons employed by or appointed or elected as an official of a first class city that has its own retirement system: PROVIDED, That any member elected or appointed to an elective office on or after April 1, 1971, shall have the option of continuing as a member of this system in lieu of becoming a member of the city system. A member who elects to continue as a member of this system shall pay the appropriate member contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. The city shall also transfer to this system all of such member's accumulated contributions together with such further amounts as necessary to equal all employee and employer contributions which would have been paid into this system on account of such service with the city and thereupon the member shall be granted credit for all such service. Any city that becomes an employer as defined in RCW 41.40.010(4) as the result of an individual's election under the first proviso of this subsection shall not be required to have all employees covered for retirement under the provisions of this chapter. Nothing in this subsection shall prohibit a city of the first class with its own retirement system from transferring all of its current employees to the retirement system established under this chapter. Notwithstanding any other provision of this chapter, persons transferring from employment with a first class city of over four hundred thousand population that has its own retirement system to employment with the state department of agriculture may elect to remain within the retirement system of such city and the state shall pay the employer contributions for such persons at like rates as prescribed for employers of other members of such system;

(14) Employees who (a) are not citizens of the United States, (b) do not reside in the United States, and (c) perform duties outside of the United States;

(15) Employees who (a) are not citizens of the United States, (b) are not covered by chapter 41.48 RCW, (c) are not excluded from membership under this chapter or chapter 41.04 RCW, (d) are residents of this state, and (e) make an irrevocable election to be excluded from membership, in writing, which is submitted to the director within thirty days after employment in an eligible position;

(16) Employees who are citizens of the United States and who reside and perform duties for an employer outside of the United States: PROVIDED, That unless otherwise excluded under this chapter or chapter 41.04 RCW, the employee may apply for membership (a) within thirty days after employment in an eligible position and membership service credit shall be granted from the first day of membership service, and (b) after this thirty-day period, but membership service credit shall be granted only from the date of application;

(17) The city manager or chief administrative officer of a city or town who serves at the pleasure of an appointing authority: PROVIDED, That such persons shall have the option of applying for membership within thirty days from date of their appointment to such positions.

Persons serving in such positions as of April 4, 1986, shall continue to be members in the retirement system unless they notify the director in writing prior to December 31, 1986, of their desire to withdraw from membership in the retirement system. A member who withdraws from membership in the system under this section shall receive a refund of the member's accumulated contributions.

Sec. 11. Section 10, chapter 295, Laws of 1977 ex. sess. as last amended by section 11, chapter 109, Laws of 1988 and RCW 41.40.690 are each amended to read as follows:

(1) No retiree under the provisions of (~~RCW 41.40.610 through 41.40.740~~) plan II shall be eligible to receive such retiree's monthly retirement allowance if ((such retiree is performing service for any nonfederal public employer in this state:)) he or she is employed in an eligible position as defined in RCW 41.40.010 or 41.32.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030, except that:

(a) A retiree who ends his or her membership in the retirement system pursuant to RCW 41.40.120(3)(b) is not subject to this section if the retiree's only employment is as an elective official of a city or town (~~However, a retired judge may render up to ninety days of pro tempore service per year as a judge of a court of record before the judge's allowance shall be reduced on a pro rata basis pursuant to this section:~~

~~Upon cessation of service for any nonfederal public employer in this state such retiree shall have): and~~

(b) A plan II retiree may work in eligible positions on a temporary basis for up to five months in a calendar year.

(2) If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused his or her benefits to be suspended. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

(3) The department shall adopt rules implementing this section.

Sec. 12. Section 11, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.500 are each amended to read as follows:

(1) No retiree under the provisions of (~~RCW 41.26.410 through 41.26.550~~) plan II shall be eligible to receive such retiree's monthly retirement allowance if ((such retiree is performing service for any nonfederal public employer in this state:

~~Upon cessation of service for any nonfederal public employer in this state such retiree shall have)) he or she is employed in an eligible position as defined in RCW 41.40.010 or 41.32.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030. If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused his or her benefits to be suspended. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.~~

(2) The department shall adopt rules implementing this section.

Sec. 13. Section 11, chapter 293, Laws of 1977 ex. sess. and RCW 41.32.800 are each amended to read as follows:

(1) No retiree under the provisions of (~~RCW 41.32.755 through 41.32.825~~) plan II shall be eligible to receive such retiree's monthly retirement allowance if ((such retiree is performing service for any nonfederal public employer in this state:

~~Upon cessation of service for any nonfederal public employer in this state such retiree shall have)) he or she is employed in an eligible position as defined in RCW 41.40.010 or 41.32.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030.~~

~~If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused his or her benefits to be suspended. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.~~

(2) The department shall adopt rules implementing this section.

Sec. 14. Section 10, chapter 109, Laws of 1988 and RCW 2.10.155 are each amended to read as follows:

(1) No judge shall be eligible to receive the judge's monthly service or disability retirement allowance if the retired judge (~~is performing service for any nonfederal public employer in this state. However, a retired judge may render up to ninety days of pro tempore service per year as a judge of a court of record before the judge's allowance shall be reduced on a pro rata basis pursuant to this section:~~

~~Upon cessation of service for any nonfederal public employer in this state such retiree shall have)) is employed:~~

(a) For more than eight hundred ten hours in a calendar year as a pro tempore judge; or

(b) In an eligible position as defined in RCW 41.40.010 or 41.32.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030.

(2) Subsection (1) of this section notwithstanding, a previously elected judge of the superior court who retired before the effective date of this 1990 act leaving a pending case in which the judge had made discretionary rulings may hear the pending case as a judge pro tempore without having his or her retirement allowance suspended.

(3) If a retired judge's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused his or her benefits to be suspended. Upon reinstatement, the retired judge's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

(4) The department shall adopt rules implementing this section.

Sec. 15. Section 7, chapter 293, Laws of 1977 ex. sess. as amended by section 5, chapter 45, Laws of 1979 ex. sess. and RCW 41.32.780 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, all teachers who become employed by an employer in an eligible position on or after October 1, 1977, shall be members of the retirement system and shall be governed by the provisions of RCW 41.32.755 through 41.32.825.

(2) No teacher who commences a period of employment on or after July 1, 1979, as a participant under the federal comprehensive employment and training act of 1973 (CETA) (29 U.S.C. Sec. 801 et seq.), as amended, shall be a member of this system during the period of such participation unless, at the commencement of the participation under CETA, the teacher either:

(a) Has at least five years of service and the full amount of the employee's contributions for such service remains on deposit in the system; or

(b) Has previously been retired from this system.

Sec. 16. Section 19, chapter 293, Laws of 1977 ex. sess. as amended by section 4, chapter 272, Laws of 1989 and by section 15, chapter 273, Laws of 1989 and RCW 41.32.005 are each reenacted and amended to read as follows:

(1) "Teachers' retirement system plan I" or "plan I" means the benefits and funding provisions covering persons who first became members of the teachers' retirement system prior to July 1, 1977. The provisions of the following sections of this chapter shall apply only to members of plan I: RCW 41.32.240, 41.32.250, 41.32.260, 41.32.270, 41.32.280, 41.32.290, 41.32.300, 41.32.310, 41.32.320, 41.32.330, 41.32.340, 41.32.350, 41.32.360, 41.32.365, 41.32.366, 41.32.380, 41.32.390, 41.32.430, 41.32.440, 41.32.470, 41.32.480, 41.32.491, 41.32.492, 41.32.493, 41.32.4931, 41.32.4932, 41.32.494, 41.32.4943, 41.32.4944, 41.32.4945, 41.32.497, 41.32.498, 41.32.499, 41.32.500, 41.32.510, 41.32.520, 41.32.522, 41.32.523, 41.32.530, 41.32.540, 41.32.550, 41.32.560, 41.32.561, 41.32.565, 41.32.567, 41.32.570, 41.32.575, and 41.32.583.

(2) "Teachers' retirement system plan II" or "plan II" means the benefits and funding provisions covering persons who first became members of the teachers' retirement system on or after July 1, 1977. The provisions of RCW 41.32.760 through 41.32.830 shall apply only to the members of plan II.

NEW SECTION. Sec. 17. This act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

NEW SECTION. Sec. 18. The 1990 amendments to RCW 41.32.010(27)(b) and 41.40.450 are intended by the legislature to effect administrative, rather than substantive, changes to the affected retirement plan. The legislature therefore reserves the right to revoke or amend the 1990 amendments to RCW 41.32.010(27)(b) and 41.40.450. No member is entitled to have his or her service credit calculated under the 1990 amendments to RCW 41.32.010(27)(b) and 41.40.450 as a matter of contractual right.

NEW SECTION. Sec. 19. Beginning on the effective date of this section, the 1990 amendments to RCW 41.40.690, 41.26.500, 41.32.780, and 2.10.155 regarding postretirement employment are available prospectively to all members of the retirement systems defined in RCW 2.10.040, 41.26.005(2), 41.32.005(2), and 41.40.005(2), regardless of the member's date of retirement. The legislature reserves the right to revoke or amend the 1990 amendments to RCW 41.40.690, 41.26.500, 41.32.780, and 2.10.155. The 1990 amendments to RCW 41.40.690, 41.26.500, 41.32.780, and 2.10.155 do not grant a contractual right to the members or retirees of the affected systems.

NEW SECTION. Sec. 20. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 21. Sections 1 through 8 of this act shall take effect September 1, 1990.

NEW SECTION. Sec. 22. Section 3, chapter 289, Laws of 1989 (uncodified) is hereby repealed.*

There being no objection, the President deferred further consideration of Substitute House Bill No. 2644.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1450, by Committee on Transportation (originally sponsored by Representatives R. Meyers, Heavey, Schmidt, Walk, D. Sommers, Todd, Kremen, Jones, Zellinsky, Haugen, Wood, Prentice, Cooper, Chandler and Winsley)

Regulating motor fuel quality.

The bill was read the second time.

MOTIONS

On motion of Senator Patterson, the following Committee on Transportation amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. It is desired that there should be uniformity among the requirements of the several states. This chapter provides for the establishment of quality specifications for all liquid motor fuels, except aviation fuel, marine fuel, and liquefied petroleum gases, and establishes a sampling, testing, and enforcement program.

NEW SECTION, Sec. 2. As used in this chapter:

(1) "Motor fuel" means any liquid product used for the generation of power in an internal combustion engine used for the propulsion of a motor vehicle upon the highways of this state. Motor fuels containing ethanol may be marketed as long as the base motor fuel meets the applicable standards before the addition of the ethanol.

(2) "Director" means the director of agriculture.

NEW SECTION, Sec. 3. This chapter shall be administered by the director or his or her authorized agent. For the purpose of administering this chapter, the standards set forth in the Annual Book of ASTM Standards and supplements thereto, and revisions thereof, are adopted, together with applicable federal environmental protection agency standards. If a conflict exists between federal environmental protection agency standards, ASTM standards, or state standards, for purposes of uniformity, federal environmental protection agency standards shall take precedence over ASTM standards. Any state standards adopted must be consistent with federal environmental protection agency standards and ASTM standards not in conflict with federal environmental protection agency standards.

The director may establish a testing laboratory. The director may also adopt rules on false and misleading advertising, labeling and posting of prices, and the standards for, and identity of, motor fuels.

NEW SECTION, Sec. 4. The director may:

(1) Enforce and administer this chapter by inspections, analyses, and other appropriate actions;

(2) Have access during normal business hours to all places where motor fuels are marketed for the purpose of examination, inspection, taking of samples, and investigation. If access is refused by the owner or agent or other persons leasing the same, the director or his or her agent may obtain an administrative search warrant from a court of competent jurisdiction;

(3) Collect or cause to be collected, samples of motor fuels marketed in this state, and cause such samples to be tested or analyzed for compliance with this chapter;

(4) Issue a stop-sale order for any motor fuel found not to be in compliance and rescind the stop-sale order if the motor fuel is brought into compliance with this chapter;

(5) Refuse, revoke, or suspend the registration of a motor fuel;

(6) Delegate to authorized agents any of the responsibilities for the proper administration of this chapter;

(7) Establish a motor fuel testing laboratory.

NEW SECTION, Sec. 5. All motor fuel shall be registered by the name, brand, or trademark under which it will be sold at the terminal. Registration shall include:

(1) The name and address of the person registering the motor fuel;

(2) The antiknock index or cetane number, as appropriate, at which the motor fuel is to be marketed;

(3) A certification, declaration, or affidavit that each individual grade or type of motor fuel shall conform to this chapter.

NEW SECTION, Sec. 6. It is unlawful to:

(1) Market motor fuels in any manner that may deceive or tend to deceive the purchaser as to the nature, price, quantity, and quality of a motor fuel;

(2) Fail to register a motor fuel;

(3) Submit incorrect, misleading, or false information regarding the registration of a motor fuel;

(4) Hinder or obstruct the director, or his or her authorized agent, in the performance of his or her duties;

(5) Market a motor fuel that is contrary to this chapter.

NEW SECTION, Sec. 7. Any person who knowingly violates any provision of this chapter or rules adopted under it is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than one year, or both. The director shall assess a civil penalty ranging from one hundred dollars to ten thousand dollars per occurrence, giving due consideration to the appropriateness of the penalty with respect to the gravity of the violation, and the history of previous violations. Civil penalties collected under this chapter shall be deposited into the motor vehicle fund.

NEW SECTION. Sec. 8. The director may apply to any court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any provision of this chapter.

NEW SECTION. Sec. 9. This chapter is in addition to any requirements under chapter 19.94 RCW.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. Sections 1 through 9 of this act shall constitute a new chapter in Title 19 RCW and may be cited as the Motor Fuel Quality Act.

NEW SECTION. Sec. 12. This act shall take effect on July 1, 1990."

On motion of Senator Patterson, the following title amendment was adopted:

On line 1 of the title, after "inspections;" strike the remainder of the title and insert "adding a new chapter to Title 19 RCW; prescribing penalties; and providing an effective date."

MOTION

On motion of Senator Patterson, Engrossed Substitute House Bill No. 1450, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1450, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1450, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Melcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Hansen - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1450, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2336, by Committee on Judiciary (originally sponsored by Representatives O'Brien, Wineberry, Anderson, Rector, Jones, Baugher, Hargrove, P. King, Ferguson, Jacobsen, Crane, Winsley, Schoon, Wolfe, Locke and Silver)

Increasing penalties for the manufacture, sale, or delivery of controlled substances on public buses, and on or near bus stops and public parks.

The bill was read the second time.

MOTIONS

On motion of Senator Newhouse, the following amendment by Senators Nelson and Talmadge was adopted:

On page 1, line 19, strike "term of imprisonment or fine" and insert "fine or imprisonment otherwise authorized by this chapter"

On motion of Senator Nelson, Substitute House Bill No. 2336, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2336, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2336, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Hansen - 1.

SUBSTITUTE HOUSE BILL NO. 2336, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 1890 and the pending amendments by Senator McCaslin on page 2, lines 3, 6, and 7, deferred earlier today.

The President declared the question before the Senate to be the adoption of the amendments by Senator McCaslin on page 2, lines 3, 6, and 7, to House Bill No. 1890.

The amendments by Senator McCaslin on page 2, lines 3, 6, and 7, to House Bill No. 1890 were adopted.

MOTION

On motion of Senator McCaslin, House Bill No. 1890, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1890, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1890, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Wojahn - 42.

Voting nay: Senators Barr, Craswell, Metcalf, West, Williams - 5.

Absent: Senator Kreidler - 1.

Excused: Senator Hansen - 1.

HOUSE BILL NO. 1890, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Anderson served notice that she would move to reconsider the vote by which House Bill No. 1890, as amended by the Senate, passed the Senate.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2342, by Committee on Commerce and Labor (originally sponsored by Representatives Vekich, Zellinsky, R. King, Cole, Schmidt, Leonard, Winsley, Prentice, Ferguson, Sayan and Jones)

Licensing fire protection sprinkler system contractors.

The bill was read the second time.

MOTION

Senator Lee moved that the following Committee on Ways and Means amendment not be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The following words or terms shall have the meanings indicated unless the context clearly indicates otherwise.

(1) "Certificate of competency holder" means an individual who has satisfactorily met the qualifications and has received a certificate of competency from the state director of fire protection under the provisions of this chapter.

(2) "Fire protection sprinkler system contractor" means a person or organization that offers to undertake the execution of contracts for the installation, inspection, maintenance, or servicing of a fire protection sprinkler system or any part of such a system.

(3) "Fire protection sprinkler system" means an assembly of underground and/or overhead piping or conduit beginning at the connection to the primary water supply, whether public or private, that conveys water with or without other agents to dispersal openings or devices to extinguish, control, or contain fire and to provide protection from exposure to fire or other products of combustion.

(4) "Fire protection sprinkler system contractor's license" means the license issued by the state director of fire protection to a fire protection sprinkler system contractor upon an application being approved, the fee being paid, and the satisfactory completion of the requirements of this chapter. The license shall be issued in the name of the fire protection sprinkler system contractor with the name or names of the certificate of competency holder noted thereon.

(5) "NFPA 13-D" means whatever standard that is used by the national fire protection association for the installation of fire protection sprinkler systems in one or two-family residential dwellings or mobile homes.

(6) "NFPA 13-R" means whatever standard that is used by the national fire protection association for the installation of fire protection sprinkler systems in residential dwellings up to four stories in height.

(7) "Inspection" means a visual examination of a fire protection sprinkler system or portion of the system to verify that the system appears to be in operating condition and is free from physical damage and complies with the applicable statutes and regulations adopted by the state director of fire protection.

(8) "Installation" means the initial placement of fire protection sprinkler system equipment or the extension, modification, or alteration of equipment after the initial placement. Installation shall include the work from a street or main water access throughout the entire building.

(9) "Maintenance" means to maintain in the condition of repair that provides performance as originally planned.

(10) "Organization" means a corporation, partnership, firm, or other business association, governmental entity, or any other legal or commercial entity.

(11) "Person" means a natural person, including an owner, manager, partner, officer, employee, or occupant.

(12) "Service" means to repair or test.

NEW SECTION. Sec. 2. (1) A municipality or county may not enact an order, ordinance, rule, or regulation requiring a fire protection sprinkler system contractor to obtain a fire sprinkler contractor license from the municipality or county. However, a municipality or county may require a fire protection sprinkler system contractor to obtain a permit and pay a fee for the installation of a fire protection sprinkler system and require the installation of such systems to conform with the building code or other construction requirements of the municipality or county, but may not impose financial responsibility requirements other than proof of a valid license.

(2) This chapter does not apply to:

(a) United States, state, and local government employees, building officials, fire marshals, fire inspectors, or insurance inspectors when acting in their official capacities;

(b) A person or organization acting under court order;

(c) A person or organization that sells or supplies products or materials to a licensed fire protection sprinkler system contractor;

(d) A registered professional engineer acting solely in a professional capacity;

(e) An employee of a licensed fire protection sprinkler system contractor performing duties for the registered fire protection sprinkler system contractor; and

(f) An owner/occupier of a single-family residence performing his or her own installation in that residence.

NEW SECTION. Sec. 3. (1) This chapter shall be administered by the state director of fire protection.

(2) The state director of fire protection shall have the authority, and it shall be his or her duty to:

(a) Issue such administrative regulations as necessary for the administration of this chapter;

(b) Set reasonable fees for licenses, certificates, testing, and other aspects of the administration of this chapter. However, the license fee for fire protection sprinkler system contractors engaged solely in the installation, inspection, maintenance, or servicing of NFPA 13-D fire protection sprinkler systems shall not exceed one hundred dollars, and the license fee for fire protection sprinkler system contractors engaged solely in the installation, inspection, maintenance,

or servicing of NFPA 13-R fire protection sprinkler systems shall not exceed three hundred dollars;

- (c) Enforce the provisions of this chapter;
- (d) Conduct investigations of complaints to determine if any infractions of this chapter or the regulations developed under this chapter have occurred; and
- (e) Work with the fire sprinkler advisory committee consisting of fire protection sprinkler system contractors and other related officials;
- (f) Assign a certificate number to each certificate of competency holder; and
- (g) Adopt rules necessary to implement and administer a program which requires the affixation of a seal any time a fire protection sprinkler system is installed, which seal shall include the certificate number of any certificate of competency holder who installs, in whole or in part, the fire protection sprinkler system.

NEW SECTION, Sec. 4. (1) To become a certificate of competency holder under this chapter, an applicant must have satisfactorily passed an examination administered by the state director of fire protection. A certificate of competency holder can satisfy this examination requirement by presenting a copy of a current certificate of competency from the national institute for certification in engineering technologies showing that the applicant has achieved the classification of engineering technician level 3 or senior engineering technician level 4 in the field of fire protection, automatic sprinkler system layout. The state director of fire protection may accept equivalent proof of qualification in lieu of examination, as recommended by the fire sprinkler advisory committee. This examination requirement is mandatory except as otherwise provided in this chapter.

(2) Every applicant for a certificate of competency shall fulfill the requirements established by the state director of fire protection and fire protection sprinkler system technical advisory committee under chapter 34.05 RCW.

(3) Every applicant for a certificate of competency shall make application to the state director of fire protection and pay the fees required.

(4) Provided the application for the certificate of competency is made prior to ninety days after the effective date of this act, the state director of fire protection, in lieu of the examination requirements of the applicant for a certificate of competency, may accept as satisfactory evidence of competency and qualification, affidavits attesting that the applicant has had a minimum of three years' experience.

(5) The state director of fire protection may, after consultation with the fire sprinkler advisory committee, issue a temporary certificate of competency to an applicant who, in his or her judgment, will satisfactorily perform as a certificate of competency holder under the provisions of this chapter. The temporary certificate of competency shall remain in effect for a period of up to three years. The temporary certificate of competency holder shall, within the three-year period, complete the examination requirements specified in subsection (1) of this section. There shall be no examination exemption for an individual issued a temporary certificate of competency. Prior to the expiration of the three-year period, the temporary certificate of competency holder shall make application for a regular certificate of competency. The procedures and qualifications for issuance of a regular certificate of competency shall be applicable to the temporary certificate of competency holder. When a temporary certificate of competency expires, the holder shall cease all activities associated with the holding of a temporary certificate of competency, subject to the penalties contained in this chapter.

(6) To become a licensed fire protection sprinkler system contractor under this chapter, a person or firm must comply with the following:

(a) Must be or have in his or her full-time employ a holder of a valid certificate of competency;

(b) Comply with the minimum insurance requirements of this chapter; and

(c) Make application to the state director of fire protection for a license and pay the fees required.

(7) Each license and certificate of competency issued under this chapter must be posted in a conspicuous place in the fire protection sprinkler system contractor's place of business.

(8) All bids, advertisements, proposals, offers, and installation drawings for fire protection sprinkler systems must prominently display the fire protection sprinkler system contractor's license number.

(9) A certificate of competency or license issued under this chapter is not transferable.

(10) In no case shall a certificate of competency holder be employed full time by more than one fire protection sprinkler system contractor at the same time. If the certificate of competency holder should leave the employment of the fire protection sprinkler system contractor, the contractor shall notify the state director of fire protection within thirty days and shall then have six months or until the expiration of the current license, whichever occurs last, to submit a new application identifying another certificate of competency holder who is at the time of application an owner of the fire protection sprinkler system business or a full-time employee of the fire protection sprinkler system contractor, in order to be issued a new license. If such application is not received and a new license issued within the allotted time, the state director of fire protection shall revoke the license of the fire protection sprinkler system contractor.

NEW SECTION. Sec. 5. (1) (a) All certificate of competency holders that desire to continue in the fire protection sprinkler business shall annually, prior to January 1, secure from the state director of fire protection a renewal certificate of competency upon payment of the fee as prescribed by the state director of fire protection. Application for renewal shall be upon a form prescribed by the state director of fire protection and the certificate holder shall furnish the information required by the director.

(b) Failure of any certificate of competency holder to secure his or her renewal certificate of competency within sixty days after the due date shall constitute sufficient cause for the state director of fire protection to suspend the certificate of competency.

(c) The state director of fire protection may, upon the receipt of payment of all delinquent fees including a late charge, restore a certificate of competency that has been suspended for failure to pay the renewal fee.

(d) A certificate of competency holder may voluntarily surrender his or her certificate of competency to the state director of fire protection and be relieved of the annual renewal fee. After surrendering the certificate of competency, he or she shall not be known as a certificate of competency holder and shall desist from the practice thereof. Within two years from the time of surrender of the certificate of competency, he or she may again qualify for a certificate of competency, without examination, by the payment of the required fee. If two or more years have elapsed, he or she shall return to the status of a new applicant.

(2) (a) All licensed fire protection sprinkler system contractors desiring to continue to be licensed shall annually, prior to January 1, secure from the state director of fire protection a renewal license upon payment of the fee as prescribed by the state director of fire protection. Application for renewal shall be upon a form prescribed by the state director of fire protection and the license holder shall furnish the information required by the director.

(b) Failure of any license holder to secure his or her renewal license within sixty days after the due date shall constitute sufficient cause for the state director of fire protection to suspend the license.

(c) The state director of fire protection may, upon the receipt of payment of all delinquent fees including a late charge, restore a license that has been suspended for failure to pay the renewal fee.

(3) The initial certificate of competency or license fee shall be prorated based upon the portion of the year such certificate of competency or license is in effect, prior to renewal on January 1.

(4) The fire protection contractor license fund is created in the custody of the state treasurer. All receipts from license and certificate fees and charges or from the money generated by the rules and regulations promulgated under this chapter shall be deposited into the fund. Expenditures from the fund may be used only for purposes authorized under this chapter. Only the state director of fire protection or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

NEW SECTION. Sec. 6. The state director of fire protection shall not issue a license under this chapter unless the fire protection sprinkler system contractor files with the state director a surety bond executed by a surety company authorized to do business in this state in the sum of ten thousand dollars conditioned to compensate third-party losses caused by the acts of the principal or the principal's servant, officer, agent, or employee in conducting the business registered or licensed under this chapter. However, the surety bond for a fire protection sprinkler system contractor whose business is restricted solely to NFPA 13-D or NFPA 13-R systems shall be six thousand dollars. Upon approval by the state director of fire protection, property or cash may substitute for a surety bond provided the value is at least ten thousand dollars and the property or cash is not otherwise encumbered.

NEW SECTION. Sec. 7. (1) Nothing in this chapter limits the power of a municipality, county, or the state to regulate the quality and character of work performed by contractors, through a system of permits, fees, and inspections which are designed to assure compliance with and aid in the implementation of state and local building laws or to enforce other local laws for the protection of the public health and safety. Nothing in this chapter limits the power of the municipality, county, or the state to adopt any system of permits requiring submission to and approval by the municipality, county, or the state, of technical drawings and specifications for work to be performed by contractors before commencement of the work. The official authorized to issue building or other related permits shall ascertain that the fire protection sprinkler system contractor is duly licensed by requiring evidence of a valid fire protection sprinkler system contractor's license.

(2) This chapter applies to any fire protection sprinkler system contractor performing work for any municipality, county, or the state. Officials of any municipality, county, or the state are required to determine compliance with this chapter before awarding any contracts for the installation, repair, service, alteration, fabrication, addition, or inspection of a fire protection sprinkler system.

NEW SECTION. Sec. 8. (1) There is established the fire protection sprinkler system technical advisory committee to be made up of nine residents of the state of Washington, appointed by

the director of the department of community development. The fire protection system technical advisory committee shall include three members, nominated by the Washington fire sprinkler association, who have been actively engaged in the management of a fire protection sprinkler system business for not less than five years preceding their appointment, one registered fire protection engineer, one member of the Washington surveying and rating bureau, one member representing a city fire department, one member representing a county fire marshal or his or her representative, one member representing a residential fire protection sprinkler company, and one member nominated by the Washington state association of fire chiefs.

(2) The advisory committee, in addition to other duties delegated by the state director of fire protection shall:

(a) Advise and assist the state director of fire protection, after consultation with the fire protection board, in developing the rules necessary to implement and administer this chapter; and

(b) Make recommendations to the state director of fire protection, through the fire protection board, regarding forms and procedures for issuing certificates and licenses.

NEW SECTION, Sec. 9. (1) The state director of fire protection may refuse to issue or renew or may suspend or revoke the privilege of a licensed fire protection sprinkler system contractor or the certificate of a certificate of competency holder to engage in the fire protection sprinkler system business or in lieu thereof, establish penalties as prescribed by Washington state law, for any of the following reasons:

(a) Gross incompetency or gross negligence in the preparation of technical drawings, installation, repair, alteration, maintenance, inspection, service, or addition to fire protection sprinkler systems;

(b) Conviction of a felony;

(c) Fraudulent or dishonest practices while engaging in the fire protection sprinkler systems business;

(d) Use of false evidence or misrepresentation in an application for a license or certificate of competency;

(e) Permitting his or her license to be used in connection with the preparation of any technical drawings which have not been prepared by him or her personally or under his or her immediate supervision, or in violation of this chapter; or

(f) Knowingly violating any provisions of this chapter or the regulations issued thereunder.

(2) The state director of fire protection shall revoke the license of a licensed fire protection sprinkler system contractor or the certificate of a certificate of competency holder who engages in the fire protection sprinkler system business while the license or certificate of competency is suspended.

(3) Any licensee or certificate of competency holder who is aggrieved by an order of the state director of fire protection suspending or revoking a license may, within thirty days after notice of such suspension or revocation, appeal under chapter 34.05 RCW.

NEW SECTION, Sec. 10. Sections 1 through 9 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION, Sec. 11. This act applies prospectively only and not retroactively. A municipal or county order, ordinance, rule, or regulation that is in effect as of the effective date of this act is not invalid because of the provisions of this chapter.

NEW SECTION, Sec. 12. This act shall take effect May 1, 1991.

NEW SECTION, Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

The President declared the question before the Senate to be the motion by Senator Lee that the Committee on Ways and Means striking amendment not be adopted.

The motion by Senator Lee carried and the Committee on Ways and Means striking amendment was not adopted.

MOTIONS

Senator Lee moved that the following amendment by Senators Lee and Newhouse be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 204, Laws of 1967 as amended by section 80, chapter 266, Laws of 1986 and RCW 9.40.100 are each amended to read as follows:

(1) Any person who willfully and without cause tampers with, molests, injures or breaks any public or private fire alarm apparatus, emergency phone, radio, or other wire or signal, or any fire fighting equipment, or who willfully and without having reasonable grounds for believing a fire exists, sends, gives, transmits, or sounds any false alarm of fire, by shouting in a public place or by means of any public or private fire alarm system or signal, or by telephone, is guilty of a misdemeanor. This provision shall not prohibit the testing of fire alarm systems by

persons authorized to do so, by a fire department or the director of community development, through the director of fire protection.

(2) Any person who willfully and without cause tampers with, molests, injures, or breaks any public or private fire alarm apparatus, emergency phone, radio, or other wire or signal, or any fire fighting equipment with the intent to commit arson, is guilty of a felony.

NEW SECTION. Sec. 2. The following words or terms shall have the meanings indicated unless the context clearly indicates otherwise.

(1) "Certificate of competency holder" means an individual who has satisfactorily met the qualifications and has received a certificate of competency from the state director of fire protection under the provisions of this chapter.

(2) "Fire protection sprinkler system contractor" means a person or organization that offers to undertake the execution of contracts for the installation, inspection, maintenance, or servicing of a fire protection sprinkler system or any part of such a system.

(3) "Fire protection sprinkler system" means an assembly of underground and/or overhead piping or conduit beginning at the connection to the primary water supply, whether public or private, that conveys water with or without other agents to dispersal openings or devices to extinguish, control, or contain fire and to provide protection from exposure to fire or other products of combustion.

(4) "Fire protection sprinkler system contractor's license" means the license issued by the state director of fire protection to a fire protection sprinkler system contractor upon an application being approved, the fee being paid, and the satisfactory completion of the requirements of this chapter. The license shall be issued in the name of the fire protection sprinkler system contractor with the name or names of the certificate of competency holder noted thereon.

(5) "NFPA 13-D" means whatever standard that is used by the national fire protection association for the installation of fire protection sprinkler systems in one or two-family residential dwellings or mobile homes.

(6) "NFPA 13-R" means whatever standard that is used by the national fire protection association for the installation of fire protection sprinkler systems in residential dwellings up to four stories in height.

(7) "Inspection" means a visual examination of a fire protection sprinkler system or portion of the system to verify that the system appears to be in operating condition and is free from physical damage and complies with the applicable statutes and regulations adopted by the state director of fire protection.

(8) "Installation" means the initial placement of fire protection sprinkler system equipment or the extension, modification, or alteration of equipment after the initial placement. Installation shall include the work from a street or main water access throughout the entire building.

(9) "Maintenance" means to maintain in the condition of repair that provides performance as originally planned.

(10) "Organization" means a corporation, partnership, firm, or other business association, governmental entity, or any other legal or commercial entity.

(11) "Person" means a natural person, including an owner, manager, partner, officer, employee, or occupant.

(12) "Service" means to repair or test.

NEW SECTION. Sec. 3. (1) A municipality or county may not enact an order, ordinance, rule, or regulation requiring a fire protection sprinkler system contractor to obtain a fire sprinkler contractor license from the municipality or county. However, a municipality or county may require a fire protection sprinkler system contractor to obtain a permit and pay a fee for the installation of a fire protection sprinkler system and require the installation of such systems to conform with the building code or other construction requirements of the municipality or county, but may not impose financial responsibility requirements other than proof of a valid license.

(2) This chapter does not apply to:

(a) United States, state, and local government employees, building officials, fire marshals, fire inspectors, or insurance inspectors when acting in their official capacities;

(b) A person or organization acting under court order;

(c) A person or organization that sells or supplies products or materials to a licensed fire protection sprinkler system contractor;

(d) A registered professional engineer acting solely in a professional capacity;

(e) An employee of a licensed fire protection sprinkler system contractor performing duties for the registered fire protection sprinkler system contractor; and

(f) An owner/occupier of a single-family residence performing his or her own installation in that residence.

NEW SECTION. Sec. 4. (1) This chapter shall be administered by the state director of fire protection.

(2) The state director of fire protection shall have the authority, and it shall be his or her duty to:

(a) Issue such administrative regulations as necessary for the administration of this chapter;

(b) Set reasonable fees for licenses, certificates, testing, and other aspects of the administration of this chapter. However, the license fee for fire protection sprinkler system contractors engaged solely in the installation, inspection, maintenance, or servicing of NFPA 13-D fire protection sprinkler systems shall not exceed one hundred dollars, and the license fee for fire protection sprinkler system contractors engaged solely in the installation, inspection, maintenance, or servicing of NFPA 13-R fire protection sprinkler systems shall not exceed three hundred dollars;

(c) Enforce the provisions of this chapter;

(d) Conduct investigations of complaints to determine if any infractions of this chapter or the regulations developed under this chapter have occurred; and

(e) Work with the fire sprinkler advisory committee consisting of fire protection sprinkler system contractors and other related officials;

(f) Assign a certificate number to each certificate of competency holder; and

(g) Adopt rules necessary to implement and administer a program which requires the affixation of a seal any time a fire protection sprinkler system is installed, which seal shall include the certificate number of any certificate of competency holder who installs, in whole or in part, the fire protection sprinkler system.

NEW SECTION. Sec. 5. (1) To become a certificate of competency holder under this chapter, an applicant must have satisfactorily passed an examination administered by the state director of fire protection. A certificate of competency holder can satisfy this examination requirement by presenting a copy of a current certificate of competency from the national institute for certification in engineering technologies showing that the applicant has achieved the classification of engineering technician level 3 or senior engineering technician level 4 in the field of fire protection, automatic sprinkler system layout. The state director of fire protection may accept equivalent proof of qualification in lieu of examination, as recommended by the fire sprinkler advisory committee. This examination requirement is mandatory except as otherwise provided in this chapter.

(2) Every applicant for a certificate of competency shall fulfill the requirements established by the state director of fire protection and the fire protection sprinkler system technical advisory committee under chapter 34.05 RCW.

(3) Every applicant for a certificate of competency shall make application to the state director of fire protection and pay the fees required.

(4) Provided the application for the certificate of competency is made prior to ninety days after the effective date of this section, the state director of fire protection, in lieu of the examination requirements of the applicant for a certificate of competency, may accept as satisfactory evidence of competency and qualification, affidavits attesting that the applicant has had a minimum of three years' experience.

(5) The state director of fire protection may, after consultation with the fire sprinkler advisory committee, issue a temporary certificate of competency to an applicant who, in his or her judgment, will satisfactorily perform as a certificate of competency holder under the provisions of this chapter. The temporary certificate of competency shall remain in effect for a period of up to three years. The temporary certificate of competency holder shall, within the three-year period, complete the examination requirements specified in subsection (1) of this section. There shall be no examination exemption for an individual issued a temporary certificate of competency. Prior to the expiration of the three-year period, the temporary certificate of competency holder shall make application for a regular certificate of competency. The procedures and qualifications for issuance of a regular certificate of competency shall be applicable to the temporary certificate of competency holder. When a temporary certificate of competency expires, the holder shall cease all activities associated with the holding of a temporary certificate of competency, subject to the penalties contained in this chapter.

(6) To become a licensed fire protection sprinkler system contractor under this chapter, a person or firm must comply with the following:

(a) Must be or have in his or her full-time employ a holder of a valid certificate of competency;

(b) Comply with the minimum insurance requirements of this chapter; and

(c) Make application to the state director of fire protection for a license and pay the fees required.

(7) Each license and certificate of competency issued under this chapter must be posted in a conspicuous place in the fire protection sprinkler system contractor's place of business.

(8) All bids, advertisements, proposals, offers, and installation drawings for fire protection sprinkler systems must prominently display the fire protection sprinkler system contractor's license number.

(9) A certificate of competency or license issued under this chapter is not transferable.

(10) In no case shall a certificate of competency holder be employed full time by more than one fire protection sprinkler system contractor at the same time. If the certificate of competency holder should leave the employment of the fire protection sprinkler system contractor, he or she must notify the state director of fire protection within thirty days. If the certificate of

competency holder should leave the employment of the fire protection sprinkler system contractor, the contractor shall have six months or until the expiration of the current license, whichever occurs last, to submit a new application identifying another certificate of competency holder who is at the time of application an owner of the fire protection sprinkler system business or a full-time employee of the fire protection sprinkler system contractor, in order to be issued a new license. If such application is not received and a new license issued within the allotted time, the state director of fire protection shall revoke the license of the fire protection sprinkler system contractor.

NEW SECTION. Sec. 6. (1) (a) All certificate of competency holders that desire to continue in the fire protection sprinkler business shall annually, prior to January 1, secure from the state director of fire protection a renewal certificate of competency upon payment of the fee as prescribed by the state director of fire protection. Application for renewal shall be upon a form prescribed by the state director of fire protection and the certificate holder shall furnish the information required by the director.

(b) Failure of any certificate of competency holder to secure his or her renewal certificate of competency within sixty days after the due date shall constitute sufficient cause for the state director of fire protection to suspend the certificate of competency.

(c) The state director of fire protection may, upon the receipt of payment of all delinquent fees including a late charge, restore a certificate of competency that has been suspended for failure to pay the renewal fee.

(d) A certificate of competency holder may voluntarily surrender his or her certificate of competency to the state director of fire protection and be relieved of the annual renewal fee. After surrendering the certificate of competency, he or she shall not be known as a certificate of competency holder and shall desist from the practice thereof. Within two years from the time of surrender of the certificate of competency, he or she may again qualify for a certificate of competency, without examination, by the payment of the required fee. If two or more years have elapsed, he or she shall return to the status of a new applicant.

(2) (a) All licensed fire protection sprinkler system contractors desiring to continue to be licensed shall annually, prior to January 1, secure from the state director of fire protection a renewal license upon payment of the fee as prescribed by the state director of fire protection. Application for renewal shall be upon a form prescribed by the state director of fire protection and the license holder shall furnish the information required by the director.

(b) Failure of any license holder to secure his or her renewal license within sixty days after the due date shall constitute sufficient cause for the state director of fire protection to suspend the license.

(c) The state director of fire protection may, upon the receipt of payment of all delinquent fees including a late charge, restore a license that has been suspended for failure to pay the renewal fee.

(3) The initial certificate of competency or license fee shall be prorated based upon the portion of the year such certificate of competency or license is in effect, prior to renewal on January 1.

(4) The fire protection contractor license fund is created in the custody of the state treasurer. All receipts from license and certificate fees and charges or from the money generated by the rules and regulations promulgated under this chapter shall be deposited into the fund. Expenditures from the fund may be used only for purposes authorized under this chapter. Only the state director of fire protection or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

NEW SECTION. Sec. 7. The state director of fire protection shall not issue a license under this chapter unless the fire protection sprinkler system contractor files with the state director a surety bond executed by a surety company authorized to do business in this state in the sum of ten thousand dollars conditioned to compensate third-party losses caused by the acts of the principal or the principal's servant, officer, agent, or employee in conducting the business registered or licensed under this chapter. However, the surety bond for a fire protection sprinkler system contractor whose business is restricted solely to NFPA 13-D or NFPA 13-R systems shall be six thousand dollars. Upon approval by the state director of fire protection, property or cash may substitute for a surety bond provided the value is at least ten thousand dollars and the property or cash is not otherwise encumbered.

NEW SECTION. Sec. 8. (1) Nothing in this chapter limits the power of a municipality, county, or the state to regulate the quality and character of work performed by contractors, through a system of permits, fees, and inspections which are designed to assure compliance with and aid in the implementation of state and local building laws or to enforce other local laws for the protection of the public health and safety. Nothing in this chapter limits the power of the municipality, county, or the state to adopt any system of permits requiring submission to and approval by the municipality, county, or the state, of technical drawings and specifications for work to be performed by contractors before commencement of the work. The official authorized to issue building or other related permits shall ascertain that the fire protection sprinkler

system contractor is duly licensed by requiring evidence of a valid fire protection sprinkler system contractor's license.

(2) This chapter applies to any fire protection sprinkler system contractor performing work for any municipality, county, or the state. Officials of any municipality, county, or the state are required to determine compliance with this chapter before awarding any contracts for the installation, repair, service, alteration, fabrication, addition, or inspection of a fire protection sprinkler system.

NEW SECTION, Sec. 9. (1) There is established the fire protection sprinkler system technical advisory committee to be made up of nine residents of the state of Washington, appointed by the director of the department of community development. The fire protection system technical advisory committee shall include three members, nominated by the Washington fire sprinkler association, who have been actively engaged in the management of a fire protection sprinkler system business for not less than five years preceding their appointment, one registered fire protection engineer, one member of the Washington surveying and rating bureau, one member representing a city fire department, one member representing a county fire marshal or his or her representative, one member representing a residential fire protection sprinkler company, and one member nominated by the Washington state association of fire chiefs.

(2) The advisory committee, in addition to other duties delegated by the state director of fire protection shall:

(a) Advise and assist the state director of fire protection, after consultation with the fire protection board, in developing the rules necessary to implement and administer this chapter; and

(b) Make recommendations to the state director of fire protection, through the fire protection board, regarding forms and procedures for issuing certificates and licenses.

NEW SECTION, Sec. 10. (1) The state director of fire protection may refuse to issue or renew or may suspend or revoke the privilege of a licensed fire protection sprinkler system contractor or the certificate of a certificate of competency holder to engage in the fire protection sprinkler system business or in lieu thereof, establish penalties as prescribed by Washington state law, for any of the following reasons:

(a) Gross incompetency or gross negligence in the preparation of technical drawings, installation, repair, alteration, maintenance, inspection, service, or addition to fire protection sprinkler systems;

(b) Conviction of a felony;

(c) Fraudulent or dishonest practices while engaging in the fire protection sprinkler systems business;

(d) Use of false evidence or misrepresentation in an application for a license or certificate of competency;

(e) Permitting his or her license to be used in connection with the preparation of any technical drawings which have not been prepared by him or her personally or under his or her immediate supervision, or in violation of this chapter; or

(f) Knowingly violating any provisions of this chapter or the regulations issued thereunder.

(2) The state director of fire protection shall revoke the license of a licensed fire protection sprinkler system contractor or the certificate of a certificate of competency holder who engages in the fire protection sprinkler system business while the license or certificate of competency is suspended.

(3) Any licensee or certificate of competency holder who is aggrieved by an order of the state director of fire protection suspending or revoking a license may, within thirty days after notice of such suspension or revocation, appeal under chapter 34.05 RCW.

NEW SECTION, Sec. 11. Sections 2 through 10 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION, Sec. 12. Sections 2 through 10 of this act apply prospectively only and not retroactively. A municipal or county order, ordinance, rule, or regulation that is in effect as of May 1, 1991, is not invalid because of the provisions of this chapter. This act does not prohibit municipalities or counties from adopting stricter guidelines that will assure the proper installation of fire sprinkler systems within their jurisdictions.

NEW SECTION, Sec. 13. Sections 2 through 10 of this act shall take effect May 1, 1991.

NEW SECTION, Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Williams moved that the following amendment to the striking amendment by Senators Lee and Newhouse be adopted:

On page 5, line 30 of the amendment, after "single-family" insert ", two-family, or three-family"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Williams on page 5, line 30, to the striking amendment by Senators Lee and Newhouse to Substitute House Bill No. 2342.

The motion by Senator Williams failed and the amendment to the striking amendment was not adopted.

MOTION

Senator Williams moved that the following amendments by Senators Williams and Lee to the striking amendment by Senators Lee and Newhouse be considered simultaneously and be adopted:

On page 15, line 25 of the amendment, after "of" strike "nine" and insert "eleven"

On page 15, at the beginning of line 31 of the amendment, strike "three" and insert "two"

On page 16, line 9, after "company," insert "two members representing the construction industry who have no financial interest in the fire protection industry, one member representing the general public who has no financial interest in the fire protection industry."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Williams and Lee on page 15, line 25 and beginning on line 31, and page 16, line 9, to the striking amendment by Senators Lee and Newhouse to Substitute House Bill No. 2342.

The motion by Senator Williams failed and the amendments to the striking amendment were not adopted.

MOTION

Senator Williams moved that the following amendment by Senators Williams and Lee to the striking amendment by Senators Lee and Newhouse be adopted:

On page 18, after line 6 of the amendment, insert the following:

"NEW SECTION. Sec. 11. The state director of fire protection and the fire protection sprinkler system technical advisory committee shall adopt rules under chapter 34.05 RCW establishing the requirements for a certificate of competency. Before the final adoption of these requirements, the state director of fire protection and the fire protection sprinkler system technical advisory committee shall, during the 1991 regular legislative session, present the requirements to the senate economic development and labor committee and the house of representatives commerce and labor committee for final review."

Renumber the sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Williams and Lee on page 18, after line 6, to the striking amendment by Senators Lee and Newhouse to Substitute House Bill No. 2342.

The motion by Senator Williams failed and the amendment to the striking amendment was not adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Lee and Newhouse to Substitute House Bill No. 2342.

The striking amendment by Senators Lee and Newhouse to Substitute House Bill No. 2342 was adopted.

MOTIONS

On motion of Senator Lee, the following title amendment was adopted:

On page 1, line 1 of the title, after "protection" strike "sprinkler" and after "systems;" strike the remainder of the title and insert "amending RCW 9.40.100; adding a new chapter to Title 18 RCW; creating a new section; providing an effective date; and prescribing penalties."

On motion of Senator Lee, Substitute House Bill No. 2342, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2342, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2342, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Melcalf, Moore, Murray, Nelson, Newhouse.

Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

SUBSTITUTE HOUSE BILL NO. 2342, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 2644 and the pending Committee on Ways and Means striking amendment, deferred earlier today.

MOTION

Senator Wojahn moved that the following amendment by Senators Wojahn and Rasmussen to the Committee on Ways and Means striking amendment be adopted:

On page 30, after line 4 insert the following:

"Sec. 17. Section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 1, chapter 418, Laws of 1987 and RCW 41.26.030 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the "Washington law enforcement officers' and fire fighters' retirement system" provided herein.

(2) (a) "Employer" for persons who establish membership in the retirement system on or before September 30, 1977, means the legislative authority of any city, town, county or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the fire fighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or fire fighters as defined in this chapter.

(b) "Employer" for persons who establish membership in the retirement system on or after October 1, 1977, means the legislative authority of any city, town, county, or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter.

(3) "Law enforcement officer" means any person who is serving on a full time, fully compensated basis as a county sheriff or deputy sheriff, including sheriffs or deputy sheriffs serving under a different title pursuant to a county charter, city police officer, or town marshal or deputy marshal, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers;

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended) if such individual has five years previous membership in the retirement system established in chapter 41.20 RCW: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply; and

(e) The term "law enforcement officer" also includes any person employed on or after November 1, 1975, and prior to December 1, 1975, as a director of public safety so long as the duties of the director substantially involve only police and/or fire duties and no other duties.

(4) "Fire fighter" means:

(a) any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for fire fighter, or fireman if this title is used by the department, and who is actively employed as such;

(b) anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination;

(c) supervisory fire fighter personnel;

(d) any full time executive secretary of an association of fire protection districts authorized under RCW 52.12.031: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply;

(e) the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply:

(f) any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for fireman or fire fighter;

(g) any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971 was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW; and

(h) the term "fire fighter" also includes any person employed on or after November ((f+)) 1, 1975, and prior to December 1, 1975, as a director of public safety so long as the duties of the director substantially involve only police and/or fire duties and no other duties.

(5) "Retirement board" means the Washington public employees' retirement system board established in chapter 41.40 RCW, including two members of the retirement system and two employer representatives as provided for in RCW 41.26.050. The retirement board shall be called the Washington law enforcement officers' and fire fighters' retirement board and may enter in legal relationships in that name. Any legal relationships entered into in that name prior to the adoption of this 1972 amendatory act are hereby ratified.

(6) "Surviving spouse" for persons who establish membership in the retirement system on or before September 30, 1977, means the surviving widow or widower of a member~~(-The word shall not include the divorced spouse of a member))~~ or an ex-spouse who has been provided benefits under any court decree of dissolution or legal separation or in any court order or court approved property settlement agreement incident to any court decree of dissolution or legal separation. In order to qualify as a surviving spouse under this subsection: (a) A person shall have been married to the member for at least one year prior to the member's retirement or separation from service if a vested member; (b) the decree or court order must be currently effective; and (c) the decree or court order must have been entered after the member's retirement and prior to December 31, 1979. If two or more persons are eligible as surviving spouses under this subsection, benefits shall be divided between the surviving spouses based on the percentage of total service credit the member accrued during each marriage. This definition shall apply retroactively.

(7) "Child" or "children" whenever used in this chapter means every natural born child and stepchild where that relationship was in existence prior to the date benefits are payable under this chapter, posthumous child, child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter, and illegitimate child legitimized prior to the date any benefits are payable under this chapter, all while unmarried, and either under the age of eighteen years or mentally or physically handicapped as determined by the retirement board except a handicapped person in the full time care of a state institution. A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(8) "Member" means any fire fighter, law enforcement officer, or other person as would apply under subsections (3) or (4) of this section whose membership is transferred to the Washington law enforcement officers' and fire fighters' retirement system on or after March 1, 1970, and every law enforcement officer and fire fighter who is employed in that capacity on or after such date.

(9) "Retirement fund" means the "Washington law enforcement officers' and fire fighters' retirement system fund" as provided for herein.

(10) "Employee" means any law enforcement officer or fire fighter as defined in subsections (3) and (4) above.

(11) (a) "Beneficiary" for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(12) (a) "Final average salary" for persons who establish membership in the retirement system on or before September 30, 1977, means (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the

total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (iv) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(b) "Final average salary" for persons who establish membership in the retirement system on or after October 1, 1977, means the monthly average of the member's basic salary for the highest consecutive sixty months of service prior to such member's retirement, termination, or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary.

(13) (a) "Basic salary" for persons who establish membership in the retirement system on or before September 30, 1977, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(b) "Basic salary" for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay; PROVIDED, That in any year in which a member serves in the legislature the member shall have the option of having such member's basic salary be the greater of:

(i) the basic salary the member would have received had such member not served in the legislature; or

(ii) such member's actual basic salary received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because basic salary under subparagraph (i) of this subsection is greater than basic salary under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(14) (a) "Service" for persons who establish membership in the retirement system on or before September 30, 1977, means all periods of employment for an employer as a fire fighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all months of service rendered by a member from and after the member's initial commencement of employment as a fire fighter or law enforcement officer, during which the member worked for seventy or more hours, or was on disability leave or disability retirement. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. In addition to the foregoing, for members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall include (i) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under the member's particular prior pension act, and (ii) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act; PROVIDED, That if such member's prior service is not creditable due to the withdrawal of his contributions plus accrued interest thereon from a prior pension system, such member shall be credited with such prior service, as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to that which was withdrawn from the prior system by such member, as a law enforcement officer or fire fighter; PROVIDED FURTHER, That if such member's prior service is not creditable because, although employed in a position covered by a prior pension act, such member had not yet become a member of the pension system governed by such act, such member shall be credited with such prior service as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to the employer's contributions which would have been required under the prior act when such service was rendered if the member had been a member of such system during such period; AND PROVIDED FURTHER, That where a member is employed by two employers at the same time, he shall only be credited with service to one such employer for any month during which he rendered such dual service.

(b) "Service" for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for which basic salary is earned for ninety or more hours per calendar month.

Members of the retirement system who are elected or appointed to a state elective position may elect to continue to be members of this retirement system.

Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

If a member receives basic salary from two or more employers during any calendar month, the individual shall receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

(15) "Accumulated contributions" means the employee's contributions made by a member plus accrued interest credited thereon.

(16) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay the member's future benefits during the period of retirement.

(17) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(18) "Disability board" means either the county disability board or the city disability board established in RCW 41.26.110 for persons who establish membership in the retirement system on or before September 30, 1977.

(19) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to the member's full salary prior to the commencement of disability retirement. The definition contained in this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(20) "Disability retirement" for persons who establish membership in the retirement system on or before September 30, 1977, means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(21) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(22) "Medical services" for persons who establish membership in the retirement system on or before September 30, 1977, shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses", provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopath licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic x-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes, and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when he is injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW.

(23) "Regular interest" means such rate as the director may determine.

(24) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(25) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(26) "Director" means the director of the department.

(27) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(28) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Wojahn and Rasmussen on page 30, after line 4, to the Committee on Ways and Means striking amendment to Substitute House Bill No. 2644.

The motion by Senator Wojahn failed and the amendment to the committee striking amendment was not adopted.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment to Substitute House Bill No. 2644.

The Committee on Ways and Means striking amendment to Substitute House bill No. 2644 was adopted.

MOTIONS

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, line 2 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 41.32.010, 41.40.450, 41.04.445, 41.32.350, 41.32.403, 41.32.775, 41.40.120, 41.40.690, 41.26.500, 41.32.800, 2.10.155, and 41.32.780; reenacting and amending RCW 41.40.010 and 41.32.005; adding a new section to chapter 41.32 RCW; creating new sections; repealing section 3, chapter 289, Laws of 1989 (uncodified); and providing an effective date."

On motion of Senator McDonald, Substitute House Bill No. 2644, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2644, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2644, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Absent: Senator Sutherland - 1.

SUBSTITUTE HOUSE BILL NO. 2644, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:18 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 5:17 p.m. by President Pro Tempore Bluechel.

SECOND READING

SENATE BILL NO. 6417, by Senators McDonald, Vognild, Bluechel, Saling, Nelson, Rasmussen, Gaspard, Johnson, Sellar, Bailey and Conner (by request of Governor Gardner)

Adopting the supplemental capital budget.

MOTIONS

On motion of Senator McDonald, Substitute Senate Bill No. 6417 was substituted for Senate Bill No. 6417 and the substitute bill was placed on second reading and read the second time.

Senator Madsen moved that the following amendment by Senators Madsen and Gaspard be adopted:

On page 10, beginning on line 22, strike all of section 212 and renumber the remaining sections consecutively

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Madsen and Gaspard on page 10, beginning on line 22, to Substitute Senate Bill No. 6417.

The motion by Senator Madsen failed and the amendment was not adopted.

MOTIONS

On motion of Senator Sellar, the following amendment was adopted:

On page 18, line 44, strike "INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION" and insert "STATE PARKS AND RECREATION COMMISSION"

Senator Rinehart moved that the following amendment by Senators Rinehart, Williams, Niemi and Gaspard be adopted:

On page 21, after line 27, add a new section as follows:

"**NEW SECTION.** Sec. 405. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

(2) Physics Building--Move Penthouse Theater and KCTS dish

| St Bldg | Constr | Acct | Reappropriation | Appropriation |
|---------|--------|----------------------|-----------------------|---------------|
| | | | | 3,623,000 |
| | | <u>Prior Biennia</u> | <u>Future Biennia</u> | <u>Total</u> |
| | | | | 3,623,000* |

Renumber remaining sections consecutively and correct internal references accordingly.

Debate ensued.

Senator Gaspard demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Rinehart, Williams, Niemi and Gaspard on page 21, after line 27, to Substitute Senate Bill No. 6417.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; nays, 26; absent, 1.

Voting yea: Senators Bender, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 22.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patrick, Patterson, Saling, Sellar, Smith, Stratton, Thorsness, von Reichbauer, West - 26.

Absent: Senator Bauer - 1.

MOTION

On motion of Senator McDonald, Engrossed Substitute Senate Bill No. 6417 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Kreidler: "Senator McDonald, Thurston County has created a public development authority to build and oversee the Academy. Would the language on lines 8 and 9, requiring local match of state funds, include monies that flow through that authority?"

Senator McDonald: "Yes, the intent is to require a local match of funds from the Olympia and Thurston County community, and funds from a public development authority created for that purpose would qualify."

POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, you spoke of new prisons and we need them. There was a bill floating around here that had set up a special committee for prison siting that granted eminent domain to that committee. There is nothing in this bill related to that?"

Senator McDonald: "That is correct, Senator Rasmussen. That is a subject of a later bill along with the bill that removes the caps on Shelton and Monroe, but none of those are contained within this bill."

Senator Rasmussen: "Let me ask you, Senator McDonald, the state now has all the power they need as far as condemnation and they can locate wherever they want to with the proper zoning for prisons. Is that right?"

Senator McDonald: "I do not have direct knowledge of that subject, Senator Rasmussen, so you are probably more well versed than I am on that subject at this moment. I know that the Governor has asked for those two bills and he feels that he needs them in order to do the construction that is contained in this bill."

Senator Rasmussen: "As far as this bill is concerned--money?"

Senator McDonald: "That is correct. All it contains is the money."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6417.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6417 and the bill passed the Senate by the following vote: Yeas, 35; nays, 13; absent, 1.

Voting yea: Senators Amondson, Bailey, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Matson, McDonald, Metcalf, Niemi, Owen, Patrick, Patterson, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West - 35.

Voting nay: Senators Anderson, Barr, Madsen, McCaslin, McMullen, Moore, Murray, Nelson, Newhouse, Rasmussen, Rinehart, Williams, Wojahn - 13.

Absent: Senator Bauer - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6417, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6358, by Senators Patterson, Bender, Thorsness, Patrick and Nelson (by request of Governor Gardner)

Modifying transportation tax rates and distributions.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 6358 was substituted for Senate Bill No. 6358 and the substitute bill was placed on second reading and read the second time.

Senator Patterson moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

*INDEX

| Purpose | Heading | Sections |
|----------|--------------------------------|----------|
| Part I | State-wide program | 101-117 |
| Part II | Local option funding authority | 201-214 |
| Part III | Motor vehicle excise tax | 301-328 |
| Part IV | Miscellaneous | 401-411 |
| Part V | Technical provisions | 501-504 |

PURPOSE

NEW SECTION. Sec. 1. PURPOSE OF STATE AND LOCAL TRANSPORTATION FUNDING PROGRAM. (1) The legislature finds that a new comprehensive funding program is required to maintain the state's commitment to the growing mobility needs of its citizens and commerce. The transportation funding program is intended to satisfy the following state policies and objectives:

(a) State-wide system: Provide for preservation of the existing state-wide system and improvements for current and expected capacity needs in rural, established urban, and growing suburban areas throughout the state;

(b) Local flexibility: Provide for necessary state highway improvements, as well as providing local governments with the option to use new funding sources for projects meeting local and regional needs;

(c) Multimodal: Provide a source of funds that may be used for multimodal transportation purposes;

(d) Program compatibility: Implement transportation facilities and services that are consistent with adopted land use and transportation plans and coordinated with recently authorized programs such as the act authorizing creation of transportation benefit districts and the local transportation act of 1988;

(e) Interjurisdictional cooperation: Encourage transportation planning and projects that are multijurisdictional in their conception, development, and benefit, recognizing that mobility problems do not respect jurisdictional boundaries;

(f) Public and private sector: Use a state, local, and private sector partnership that equitably shares the burden of meeting transportation needs.

(2) The legislature further recognizes that the revenues currently available to the state and to counties, cities, and transit authorities for highway, road, and street construction and preservation fall far short of the identified need. The 1988 Washington road jurisdiction study identified a state-wide funding shortfall of between \$14.6 and \$19.9 billion to bring existing roads to acceptable standards. The gap between identified transportation needs and available revenues continues to increase. A comprehensive transportation funding program is required to meet the current and anticipated future needs of this state.

(3) The legislature further recognizes the desirability of making certain changes in the collection and distribution of motor vehicle excise taxes with the following objectives: Simplifying administration and collection of the taxes including adoption of a predictable depreciation schedule for vehicles; simplifying the allocation of the taxes among various recipients; and the dedication of a portion of motor vehicle excise taxes for transportation purposes.

(4) The legislature, therefore, declares a need for the three-part funding program embodied in this act: (a) State-wide funding for highways, roads, and streets in urban and rural areas; (b) local option funding authority, available immediately, for the construction and preservation of roads, streets, and transit improvements and facilities; and (c) the creation of a multimodal transportation fund that is funded through dedication of a portion of motor vehicle excise tax. This funding program is intended, by targeting certain new revenues, to produce a significant increase in the overall capacity of the state, county, and city transportation systems to satisfy and efficiently accommodate the movement of people and goods.

PART I: STATE-WIDE PROGRAM

Sec. 101. STATE-WIDE MOTOR VEHICLE FUEL TAXES. Section 6, chapter 317, Laws of 1977 ex. sess. as last amended by section 27, chapter 49, Laws of 1983 1st ex. sess. and RCW 82.36.025 are each amended to read as follows:

The motor vehicle fuel tax rate shall be computed as the sum of the tax rate provided in subsection (1) of this section and the additional tax rates provided in subsections (2) through ~~((4))~~ (5) of this section.

(1) ~~((Except as required in subsection (5) of this section,))~~ A motor vehicle fuel tax rate of ~~((fifteen))~~ seventeen cents per gallon shall apply to the sale, distribution, or use of motor vehicle fuel ~~((from July 1, 1983, through June 30, 1984, and a motor vehicle fuel tax rate of seventeen cents per gallon shall apply thereafter)).~~

(2) An additional motor vehicle fuel tax rate of one-third cent per gallon shall apply to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090 ~~((1) and (2))~~ (1) ~~(a) and (b)~~ multiplied by the additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the rural arterial trust account in the motor vehicle fund for expenditures under RCW 36.79.020.

(3) An additional motor vehicle fuel tax rate of one-third cent per gallon shall apply to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090 ~~((1) and (2))~~ (1) ~~(a) and (b)~~ multiplied by the additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the urban arterial trust account in the motor vehicle fund.

(4) An additional motor vehicle ~~((full (fuel)))~~ fuel tax rate of one-third cent per gallon shall be applied to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090 ~~((1) and (2))~~ (1) ~~(a) and (b)~~ multiplied by the additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the motor vehicle fund to be expended for highway purposes of the state as defined in RCW 46.68.130.

(5) ~~((a) Before the start of each fiscal year, the department of licensing shall estimate the total aggregate motor vehicle fuel tax revenues and the total of all other revenues that will accrue to the motor vehicle fund during the fiscal year. The estimated total of all other state~~

revenues to accrue to the motor vehicle fund during the fiscal year shall include those revenues (other than the aggregate motor vehicle fuel tax revenues) which the department of transportation with the concurrence of the office of financial management determines will accrue during the fiscal year, assuming that collections of such revenues for the fiscal year shall be at the same level as during the fiscal year just ended, adjusted however for historic variations in collections according to yearly periods and for projected trends, but shall not include the proceeds of the sale of bonds, reimbursements to the motor vehicle fund for services performed by the department of transportation for others, moneys derived from nonfuel tax sources that are deposited directly in the several accounts within the motor vehicle fund, interest deposited directly in the several accounts within the motor vehicle fund, nor federal funds. The estimated total aggregate motor vehicle fuel tax revenues for the fiscal year shall include those revenues that the department of licensing determines will accrue during the fiscal year, assuming the sale, distribution, and use of motor vehicle fuel and special fuel within the state for the fiscal year will be at the same volume as during the fiscal year last ended, adjusted however for the historic variations in sales, distribution, and use according to yearly periods and for projected trends.

(b) If the estimated aggregate motor fuel tax revenues plus all other state revenues that will accrue to the motor vehicle fund during a fiscal year as computed in (a) of this subsection exceed the motor vehicle fund revenue limit in the fiscal year as computed in (c) of this subsection, the rate of motor fuel tax provided in subsection (1) of this section shall be reduced by one-half cent increments for the fiscal year only, commencing at the beginning of the fiscal year, as may be necessary to reduce the estimated total revenues for the fiscal year to within the motor vehicle fund revenue limit.

(c) The motor vehicle fund revenue limit for any fiscal year shall be the previous fiscal year's motor vehicle fund revenue limit multiplied by the average state personal income ratio for the three calendar years immediately preceding the beginning of the fiscal year for which the limit is being computed. For purposes of computing the motor vehicle fund revenue limit for the fiscal year ending June 30, 1981, the phrase "the previous fiscal year's motor vehicle fund revenue limit" means the motor vehicle fund revenue collected in the fiscal year ending June 30, 1979, multiplied by the average state personal income ratio for the calendar years 1976, 1977, and 1978.

(6) The legislative transportation committee shall study and analyze each biennium the financial condition of the motor vehicle fund and accounts thereof with particular emphasis on RCW 82.36.010 and 82.36.025; An additional motor vehicle fuel tax rate of four cents per gallon from April 1, 1990, through March 31, 1991, and five cents per gallon from April 1, 1991, applies to the sale, distribution, or use of motor vehicle fuel. The proceeds from the additional tax rate under this subsection, reduced by an amount equal to the sum of the payments under RCW 46.68.090 (1) (a) and (b) multiplied by the additional tax rate prescribed by this subsection divided by the motor fuel tax rate provided in this section, shall be deposited in the motor vehicle fund and shall be distributed by the state treasurer according to section 103 of this act.

Sec. 102. DISTRIBUTION OF STATE-WIDE TAXES. Section 46.68.090, chapter 12, Laws of 1961 as last amended by section 21, chapter 49, Laws of 1983 1st ex. sess. and RCW 46.68.090 are each amended to read as follows:

(1) All moneys that have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax shall be first expended for the following purposes:

((+)) (a) For payment of refunds of motor vehicle fuel tax and special fuel tax that has been paid and is refundable as provided by law;

((2)) (b) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of licensing of the state of Washington in the administration of the motor vehicle fuel tax and the special fuel tax, which sums shall be distributed monthly;

((3)) (c) For ((payments)) distribution to the rural arterial trust account in the motor vehicle fund, an amount as provided in RCW 82.36.025(2) and section 103(3) of this act;

((4)) (d) For ((payments)) distribution to the urban arterial trust account in the motor vehicle fund, an amount as provided in RCW 82.36.025(3); ((and

(5)) (e) For distribution to the transportation improvement account in the motor vehicle fund, an amount as provided in section 103(1) of this act;

(f) For distribution to the special category C account, hereby created in the motor vehicle fund, an amount as provided in section 103(2) of this act;

(g) For distribution to the county arterial preservation account, hereby created in the motor vehicle fund, an amount as provided in section 103(4) of this act;

(h) For distribution to the motor vehicle fund to be allocated to cities and towns as provided in RCW 46.68.110, an amount as provided in section 103(5) of this act;

(i) For distribution to the motor vehicle fund to be allocated to counties as provided in RCW 46.68.120, an amount as provided in section 103(6) of this act;

(j) For expenditure for highway purposes of the state as defined in RCW 46.68.130, an amount as provided in RCW 82.36.025(4) and section 103(7) of this act.

(2) The amount accruing to the motor vehicle fund by virtue of the motor vehicle fuel tax and the special fuel tax and remaining after payments, distributions, and expenditures as provided in ~~((subsections (1), (2), (3), (4), and (5) of))~~ this section shall, for the purposes of this chapter, be referred to as the "net tax amount."

NEW SECTION. Sec. 103. DISTRIBUTION OF ADDITIONAL STATE-WIDE TAXES. A new section is added to chapter 46.68 RCW to read as follows:

All moneys that have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax imposed by RCW 82.36.025(5) shall be distributed monthly by the state treasurer in the following proportions:

(1) One and one-half cents shall be deposited in the transportation improvement account and expended in accordance with RCW 47.26.084.

(2) From April 1, 1991, seventy-five one-hundredths of one cent shall be deposited in the special category C account in the motor vehicle fund for special category C projects. Special category C projects are category C projects as defined in RCW 47.05.030(3) that, due to high cost only, will require bond financing to complete construction.

The following criteria, listed in order of priority, shall be used in determining which special category C projects have the highest priority:

- (a) Accident experience; and
- (b) Fatal accident experience; and
- (c) Capacity to move people and goods safely and at reasonable speeds without undue congestion; and
- (d) Continuity of development of the highway transportation network.

Moneys deposited in the special category C account in the motor vehicle fund may be used for payment of debt service on bonds the proceeds of which are used to finance special category C projects under this subsection.

(3) Twenty-five one-hundredths of one cent shall be deposited in the rural arterial trust account in the motor vehicle fund.

(4) Forty-five one-hundredths of one cent shall be deposited in the county arterial preservation account. These funds shall be distributed by the county road administration board to counties in proportions corresponding to the number of paved arterial lane miles in the unincorporated area of each county and shall be used for improvements to sustain the structural, safety, and operational integrity of county arterials. The county road administration board shall adopt reasonable rules and develop policies to implement this program and to assure that a permanent management system is used.

(5) One-half of one cent shall be allocated to cities and towns as provided in RCW 46.68.110.

(6) From April 1, 1990, through March 31, 1991, thirty one-hundredths of one cent and after March 31, 1991, fifty-five one-hundredths of one cent shall be allocated to counties as provided in RCW 46.68.120.

(7) One cent shall be deposited in the motor vehicle fund and shall be expended for highway purposes of the state as defined in RCW 46.68.130.

Sec. 104. Section 14, chapter 49, Laws of 1983 1st ex. sess. as amended by section 1, chapter 113, Laws of 1984 and RCW 36.79.140 are each amended to read as follows:

At the time the board reviews the six-year program of each county each even-numbered year, it shall consider and shall approve for inclusion in its recommended budget, as required by RCW 36.79.130, the portion of the rural arterial construction program scheduled to be performed during the biennial period beginning the following July 1st. Subject to the appropriations actually approved by the legislature, the board shall as soon as feasible approve rural arterial trust account funds to be spent during the ensuing biennium for preliminary proposals in priority sequence as established pursuant to RCW 36.79.090. Only those counties that during the preceding twelve months have spent all revenues collected for road purposes only for such purposes, including traffic law enforcement, as are allowed to the state by Article II, section 40 of the state Constitution are eligible to receive funds from the rural arterial trust account: PROVIDED HOWEVER, That counties of the seventh class are exempt from this eligibility restriction; AND PROVIDED FURTHER, That counties expending revenues collected for road purposes only on other governmental services after authorization from the voters of that county under RCW 84.55.050 are also exempt from this eligibility restriction. The board shall authorize rural arterial trust account funds for the construction project portion of a project previously authorized for a preliminary proposal in the sequence in which the preliminary proposal has been completed and the construction project is to be placed under contract. At such time the board may reserve rural arterial trust account funds for expenditure in future years as may be necessary for completion of preliminary proposals and construction projects to be commenced in the ensuing biennium.

The board may, within the constraints of available rural arterial trust funds, consider additional projects for authorization upon a clear and conclusive showing by the submitting county that the proposed project is of an emergent nature and that its need was unable to be anticipated at the time the six-year program of the county was developed. The proposed projects shall be evaluated on the basis of the priority rating factors specified in RCW 36.79.080.

Sec. 105. LICENSE FEE ON TRUCKS, BUSES, AND FOR HIRE VEHICLES BASED ON GROSS WEIGHT. Section 1, chapter 156, Laws of 1989 and RCW 46.16.070 are each amended to read as follows:

(1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to the excise tax prescribed in chapter 82.44 RCW and the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight thereof pursuant to the provisions of chapter 46.44 RCW, the following licensing fees by such gross weight:

| | | | | |
|-------------|-------|----|-------------------------|-----------------|
| 4,000 lbs. | ..... | \$ | ((28-75)) | <u>37.00</u> |
| 6,000 lbs. | ..... | \$ | ((33-72)) | <u>44.00</u> |
| 8,000 lbs. | ..... | \$ | ((41-30)) | <u>55.00</u> |
| 10,000 lbs. | ..... | \$ | ((46-37)) | <u>62.00</u> |
| 12,000 lbs. | ..... | \$ | ((53-62)) | <u>72.00</u> |
| 14,000 lbs. | ..... | \$ | ((60-86)) | <u>82.00</u> |
| 16,000 lbs. | ..... | \$ | ((68-31)) | <u>92.00</u> |
| 18,000 lbs. | ..... | \$ | ((100-02)) | <u>137.00</u> |
| 20,000 lbs. | ..... | \$ | ((110-94)) | <u>152.00</u> |
| 22,000 lbs. | ..... | \$ | ((119-76)) | <u>164.00</u> |
| 24,000 lbs. | ..... | \$ | ((128-95)) | <u>177.00</u> |
| 26,000 lbs. | ..... | \$ | ((136-08)) | <u>187.00</u> |
| 28,000 lbs. | ..... | \$ | ((159-66)) | <u>220.00</u> |
| 30,000 lbs. | ..... | \$ | ((183-18)) | <u>253.00</u> |
| 32,000 lbs. | ..... | \$ | ((219-78)) | <u>304.00</u> |
| 34,000 lbs. | ..... | \$ | ((233-06)) | <u>323.00</u> |
| 36,000 lbs. | ..... | \$ | ((252-39)) | <u>350.00</u> |
| 38,000 lbs. | ..... | \$ | ((276-51)) | <u>384.00</u> |
| 40,000 lbs. | ..... | \$ | ((315-99)) | <u>439.00</u> |
| 42,000 lbs. | ..... | \$ | ((328-16)) | <u>456.00</u> |
| 44,000 lbs. | ..... | \$ | ((335-02)) | <u>466.00</u> |
| 46,000 lbs. | ..... | \$ | ((359-91)) | <u>501.00</u> |
| 48,000 lbs. | ..... | \$ | ((375-19)) | <u>522.00</u> |
| 50,000 lbs. | ..... | \$ | ((406-36)) | <u>566.00</u> |
| 52,000 lbs. | ..... | \$ | ((427-45)) | <u>595.00</u> |
| 54,000 lbs. | ..... | \$ | ((461-02)) | <u>642.00</u> |
| 56,000 lbs. | ..... | \$ | ((486-21)) | <u>677.00</u> |
| 58,000 lbs. | ..... | \$ | ((505-53)) | <u>704.00</u> |
| 60,000 lbs. | ..... | \$ | ((538-29)) | <u>750.00</u> |
| 62,000 lbs. | ..... | \$ | ((576-50)) | <u>804.00</u> |
| 64,000 lbs. | ..... | \$ | ((589-75)) | <u>822.00</u> |
| 66,000 lbs. | ..... | \$ | ((656-14)) | <u>915.00</u> |
| 68,000 lbs. | ..... | \$ | ((683-99)) | <u>954.00</u> |
| 70,000 lbs. | ..... | \$ | ((736-14)) | <u>1,027.00</u> |
| 72,000 lbs. | ..... | \$ | ((786-36)) | <u>1,098.00</u> |
| 74,000 lbs. | ..... | \$ | ((854-15)) | <u>1,193.00</u> |
| 76,000 lbs. | ..... | \$ | ((923-05)) | <u>1,289.00</u> |
| 78,000 lbs. | ..... | \$ | ((1,007-10)) | <u>1,407.00</u> |
| 80,000 lbs. | ..... | \$ | ((1,086-95)) | <u>1,518.00</u> |

((The proceeds from such fees shall be distributed in accordance with RCW 46.68.035:

Effective with motor vehicle licenses that expire in January, 1989, and thereafter, a surcharge of four dollars and seventy-five cents is added to such fees. The proceeds of this surcharge shall be forwarded to the state treasurer to be deposited into the state patrol highway account of the motor vehicle fund.))

Every motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle.

The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section:

((1)) (a) The new license fee will be one-twelfth of the fee listed above for the new gross weight, multiplied by the number of months remaining in the period for which licensing fees have been paid, including the month in which the new gross weight is effective.

((2)) (b) Upon surrender of the current certificate of registration or cab card, the new licensing fees due shall be reduced by the amount of the licensing fees previously paid for the same period for which new fees are being charged.

(2) The proceeds from the fees collected under subsection (1) of this section shall be distributed in accordance with RCW 46.68.035.

Sec. 106. Section 21, chapter 380, Laws of 1985 as amended by section 4, chapter 156, Laws of 1989 and RCW 46.68.035 are each amended to read as follows:

All proceeds from combined vehicle licensing fees received by the director for vehicles licensed under RCW 46.16.070 and 46.16.085 shall be forwarded to the state treasurer to be distributed into accounts according to the following method:

(1) ~~((34.644 percent representing the vehicle licensing fee, shall be distributed according to the following formula))~~ The sum of two dollars for each vehicle shall be deposited into the highway safety fund, except that for each vehicle registered by a county auditor or agent to a county auditor pursuant to RCW 46.01.140, the sum of two dollars shall be credited to the current county expense fund.

(2) The remainder shall be distributed as follows:

(a) ~~((76.772))~~ 25.862 percent shall be deposited into the state patrol highway account of the motor vehicle fund;

(b) ~~((6.348))~~ 1.661 percent shall be deposited into the Puget Sound ferry operations account of the motor vehicle fund; and

(c) ~~((16.886 percent shall be deposited into the motor vehicle fund;~~

(2) The sum of two dollars for each vehicle shall be deposited into the highway safety fund, except that for each vehicle registered by a county auditor or agent to a county auditor pursuant to RCW 46.01.140, the sum of two dollars shall be credited to the current county expense fund:

(3)) The remaining proceeds~~((representing the gross vehicle weight fee, identification fee, special fee, minimum fee, and application fee.))~~ shall be deposited into the motor vehicle fund.

Sec. 107. SPECIAL PERMITS FOR OVERSIZE OR OVERWEIGHT MOVEMENTS—FEES. Section 2, chapter 137, Laws of 1965 as last amended by section 1, chapter 398, Laws of 1989 and RCW 46.44.0941 are each amended to read as follows:

The following fees, in addition to the regular license and tonnage fees, shall be paid for all movements under special permit made upon state highways. All funds collected, except the amount retained by authorized agents of the department as provided in RCW 46.44.096, shall be forwarded to the state treasury and shall be deposited in the motor vehicle fund:

| | |
|---|----------------------------------|
| All overlegal loads, except overweight, single trip | \$ 10.00 |
| Continuous operation of overlegal loads having either overwidth or overheight features only, for a period not to exceed thirty days | \$ 20.00 |
| Continuous operations of overlegal loads having overlength features only, for a period not to exceed thirty days | \$ 10.00 |
| Continuous operation of a combination of vehicles having one trail- ing unit that exceeds forty-eight feet and is not more than fifty-six feet in length, for a period of one year | \$100.00 |
| Continuous operation of a combination of vehicles having two trailing units which together exceed sixty feet and are not more than sixty-eight feet in length, for a period of one year | \$100.00 |
| Continuous operation of a three-axle fixed load vehicle having less than 65,000 pounds gross weight, for a period not to exceed thirty days | \$ ((50.00)) 70.00 |
| Continuous operation of overlegal loads having nonreducible fea- tures not to exceed eighty-five feet in length and fourteen feet in width, for a period of one year | \$150.00 |
| Continuous operation of farm implements under a permit issued as authorized by RCW 46.44.140 by: | |
| (1) Farmers in the course of farming activities, for any three-month period | \$ 10.00 |
| (2) Farmers in the course of farming activities, for a period not to exceed one year | \$ 25.00 |
| (3) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for any three-month period | \$ 25.00 |
| (4) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for a period not to exceed one year | \$100.00 |

Overweight Fee Schedule

| Weight over total registered gross weight plus additional gross weight purchased under RCW 46.44.095 or 46.44.047, or any other statute authorizing the state department of transportation to issue annual overweight permits. | Fee per mile on state highways |
|--|--------------------------------|
| 1- 5,999 pounds | \$ ((-05)) <u>.07</u> |
| 6,000-11,999 pounds | \$ ((-10)) <u>.14</u> |
| 12,000-17,999 pounds | \$ ((-15)) <u>.21</u> |
| 18,000-23,999 pounds | \$ ((-25)) <u>.35</u> |
| 24,000-29,999 pounds | \$ ((-35)) <u>.49</u> |
| 30,000-35,999 pounds | \$ ((-45)) <u>.63</u> |
| 36,000-41,999 pounds | \$ ((-60)) <u>.84</u> |
| 42,000-47,999 pounds | \$ ((-75)) <u>1.05</u> |
| 48,000-53,999 pounds | \$ ((-90)) <u>1.26</u> |
| 54,000-59,999 pounds | \$ ((+05)) <u>1.47</u> |
| 60,000-65,999 pounds | \$ ((+20)) <u>1.68</u> |
| 66,000-71,999 pounds | \$ ((+45)) <u>2.03</u> |
| 72,000-79,999 pounds | \$ ((+70)) <u>2.38</u> |
| 80,000 pounds or more | \$ ((2-00)) <u>2.80</u> |

PROVIDED: ((+)) (a) The minimum fee for any overweight permit shall be \$((+00)) 14.00, ((+)) (b) the fee for issuance of a duplicate permit shall be \$((+00)) 14.00, ((+)) (c) when computing overweight fees that result in an amount less than even dollars the fee shall be carried to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under.

Sec. 108. ANNUAL ADDITIONAL TONNAGE PERMITS—FEEs. Section 46.44.095, chapter 12, Laws of 1961 as last amended by section 3, chapter 398, Laws of 1989 and RCW 46.44.095 are each amended to read as follows:

When a combination of vehicles has been lawfully licensed to a total gross weight of eighty thousand pounds and when a three or more axle single unit vehicle has been lawfully licensed to a total gross weight of forty thousand pounds pursuant to provisions of RCW 46.44-.041, a permit for additional gross weight may be issued by the department of transportation upon the payment of ((~~thirty-seven dollars and fifty~~) fifty-two dollars and fifty cents per year for each one thousand pounds or fraction thereof of such additional gross weight: PROVIDED, That the tire limits specified in RCW 46.44.042 shall apply, and the gross weight on any single axle shall not exceed twenty thousand pounds, and the gross load on any group of axles shall not exceed the limits set forth in RCW 46.44.041: PROVIDED FURTHER, That within the tire limits of RCW 46.44.042, and notwithstanding RCW 46.44.041 and 46.44.091, a permit for an additional six thousand pounds may be purchased for the rear axle of a two-axle garbage truck or eight thousand pounds for the tandem axle of a three axle garbage truck at a rate not to exceed ((~~thirty~~) forty-two dollars per thousand. Such additional weight in the case of garbage trucks shall not be valid or permitted on any part of the federal interstate highway system.

The annual additional tonnage permits provided for in this section shall be issued upon such terms and conditions as may be prescribed by the department pursuant to general rules adopted by the transportation commission. Such permits shall entitle the permittee to carry such additional load in an amount and upon highways or sections of highways as may be determined by the department of transportation to be capable of withstanding increased gross load without undue injury to the highway: PROVIDED, That the permits ((~~shall~~) are not (be)) valid on any highway where the use of such permits would deprive this state of federal funds for highway purposes.

For those vehicles registered under chapter 46.87 RCW, the annual additional tonnage permits provided for in this section may be issued to coincide with the registration year of the base jurisdiction. For those vehicles registered under chapter 46.16 RCW and whose registration has staggered renewal dates, the annual additional tonnage permits may be issued to coincide with the expiration date of the registration. The permits may be purchased at any time, and if they are purchased for less than a full year, the fee shall be one-twelfth of the full fee multiplied by the number of months, including any fraction thereof, covered by the permit. When the department issues a duplicate permit to replace a lost or destroyed permit and where the department transfers a permit from one vehicle to another a fee of ((~~ten~~) fourteen dollars shall be charged for each duplicate issued or each transfer. The department of transportation shall issue permits on a temporary basis for periods not less than five days at two dollars and eighty cents per day for each two thousands pounds or fraction thereof.

The fees levied in RCW 46.44.0941 and this section shall not apply to any vehicles owned and operated by the state of Washington, any county within the state, or any city or town or metropolitan municipal corporation within the state, or by the federal government.

In the case of fleets prorating license fees under the provisions of chapter 46.87 RCW, the fees provided for in this section shall be computed by the department of transportation by applying the proportion of the Washington mileage of the fleet in question to the total mileage of the fleet as reported pursuant to chapter 46.87 RCW to the fees that would be required to purchase the additional weight allowance for all eligible vehicles or combinations of vehicles for which the extra weight allowance is requested.

When computing fees that result in an amount other than full dollars, the fee shall be increased to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under. The minimum fee for any prorated tonnage permit issued under this section shall be ~~((twenty-five))~~ thirty-five dollars.

Sec. 109. DISPOSITION OF VEHICLE LICENSE FEES. Section 20, chapter 380, Laws of 1985 and RCW 46.68.030 are each amended to read as follows:

Except for proceeds from fees for vehicle licensing for vehicles paying such fees under RCW 46.16.070 and 46.16.085, and as otherwise provided for in chapter 46.16 RCW, all fees received by the director for vehicle licenses under the provisions of chapter 46.16 RCW shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report, and be ~~((by him))~~ deposited to the credit of the motor vehicle fund, except that the proceeds from the vehicle license fee and renewal license fee shall be deposited by the state treasurer as hereinafter provided. After July 1, 1981, that portion of each vehicle license fee in excess of \$7.40 and that portion of each renewal license fee in excess of \$3.40 shall be deposited in the state patrol highway account in the motor vehicle fund, hereby created. Vehicle license fees, renewal license fees, and all other funds in the state patrol highway account shall be for the sole use of the Washington state patrol for highway activities of the Washington state patrol, subject to proper appropriations and reappropriations therefor, for any fiscal biennium after June 30, 1981, and twenty-seven and three-tenths percent of the proceeds from \$7.40 of each vehicle license fee and \$3.40 of each renewal license fee shall be deposited each biennium in the Puget Sound ferry operations account ~~((to partially finance, together with other funds in the account, any budgeted state ferry system maintenance and operating deficit for that biennium. The deficit shall be calculated by subtracting from total costs the sum of all unappropriated funds available to the state ferry system, including revenues from tolls that are adjusted by the transportation commission))~~. Any remaining amounts of vehicle license fees and renewal license fees that are not deposited in the Puget Sound ferry operations account shall be deposited in the motor vehicle fund.

Sec. 110. NONRESIDENT EXEMPTION—RECIPROCITY. Section 46.16.030, chapter 12, Laws of 1961 as amended by section 15, chapter 32, Laws of 1967 and RCW 46.16.030 are each amended to read as follows:

Except as is herein provided for foreign ~~((corporations))~~ businesses, the provisions relative to the licensing of vehicles and display of vehicle license number plates and license registration certificates shall not apply to any vehicles owned by nonresidents of this state if the owner thereof has complied with the law requiring the licensing of vehicles in the names of the owners thereof in force in the state, foreign country, territory or federal district of his or her residence; and the vehicle license number plate showing the initial or abbreviation of the name of such state, foreign country, territory or federal district, is displayed on such vehicle substantially as is provided therefor in this state ~~((PROVIDED, That))~~. The provisions of this section shall be operative as to a vehicle owned by a nonresident of this state only to the extent that under the laws of the state, foreign country, territory or federal district of his or her residence, like exemptions and privileges are granted to vehicles duly licensed under the laws of and owned by residents of this state. If under the laws of such state, foreign country, territory or federal district, vehicles owned by residents of this state, operating upon the highways of such state, foreign country, territory or federal district, are required to pay the license fee and carry the vehicle license number plates of such state, foreign country, territory or federal district, the vehicles owned by residents of such state, foreign country, territory or federal district, and operating upon the highways of this state, shall comply with the provisions of this state relating to the licensing of vehicles. Foreign ~~((corporations))~~ businesses owning, maintaining, or operating places of business in this state and using vehicles in connection with such places of business, shall comply with the provisions relating to the licensing of vehicles insofar as vehicles used in connection with such places of business are concerned ~~((PROVIDED, FURTHER, That))~~. Under provisions of the international registration plan, the nonmotor vehicles of member and nonmember jurisdictions which are properly based and licensed in such jurisdictions are granted reciprocity in this state as provided in RCW 46.87.070(2). Converter gears (auxiliary axles) that are properly based in jurisdictions that do not register or provide license plates for such vehicles may be operated in this state without the need for registration or the display of license plates as applicable. The director is empowered to make and enforce rules and regulations for the licensing of nonresident vehicles upon a reciprocal basis and with respect to any character or class of operation.

Sec. 111. DEFINITIONS. Section 2, chapter 380, Laws of 1985 as amended by section 16, chapter 244, Laws of 1987 and RCW 46.87.020 are each amended to read as follows:

Terms used in this chapter have the meaning given to them in the International Registration Plan (IRP), the Uniform Vehicle Registration, Proration, and Reciprocity Agreement (Western Compact), chapter 46.04 RCW, or as otherwise defined in this section. Definitions given to terms by the IRP and the Western Compact, as applicable, shall prevail unless given a different meaning in this chapter or in rules adopted under authority of this chapter.

(1) "Apportionable vehicle" has the meaning given by the IRP, except that it does not include vehicles with a declared gross weight of twelve thousand pounds or less. Apportionable vehicles include trucks, tractors, truck tractors, road tractors, and buses, ((converter gears (auxiliary axes), trailers, semitrailers, and pole trailers.)) each as separate and licensable vehicles. For IRP jurisdictions that require the registration of nonmotor vehicles, this term may include converter gears (auxiliary axes), trailers, semitrailers, and pole trailers as applicable, each as separate and licensable vehicles.

(2) "Cab card" is a certificate of registration issued for a vehicle by the registering jurisdiction under the Western Compact. Under the IRP, it is a certificate of registration issued by the base jurisdiction for a vehicle upon which is disclosed the jurisdictions and registered gross weights in such jurisdictions for which the vehicle is registered.

(3) "Commercial vehicle" is a term used by the Western Compact and means any vehicle, except recreational vehicles, vehicles displaying restricted plates, and government owned or leased vehicles, that is operated and registered in more than one jurisdiction and is used or maintained for the transportation of persons for hire, compensation, or profit, or is designed, used, or maintained primarily for the transportation of property and:

(a) Is a motor vehicle having a declared gross weight in excess of twenty-six thousand pounds; or

(b) Is a motor vehicle having three or more axles with a declared gross weight in excess of twelve thousand pounds; or

(c) Is a motor vehicle, trailer, pole trailer, converter gear (auxiliary axle), or semitrailer used in combination when the gross weight or declared gross weight of the combination exceeds twenty-six thousand pounds combined gross weight ((or

(d) is a converter gear (auxiliary axle))). The nonmotor vehicles mentioned are only applicable to those jurisdictions requiring the registration of such vehicles.

Although a two-axle motor vehicle, trailer, pole trailer, semitrailer, converter gear (auxiliary axle), or any combination of such vehicles with ((a) an actual or declared gross weight or declared combined gross weight exceeding twelve thousand pounds but not more than twenty-six thousand is not considered to be a commercial vehicle, at the option of the owner, such vehicles may be considered as "commercial vehicles" for the purpose of proportional registration. The nonmotor vehicles mentioned are only applicable to those jurisdictions requiring the registration of such vehicles.

Commercial vehicles include trucks, tractors, truck tractors, road tractors, and buses((;)), Converter gears (auxiliary axes), trailers, pole trailers, and semitrailers, ((each as separate and licensable vehicles)) will also be considered as commercial vehicles for those jurisdictions who require registration of such vehicles.

(4) "Credentials" means cab cards, apportioned plates (for Washington-based fleets), and validation tabs issued for proportionally registered vehicles.

(5) "Declared combined gross weight" means the total unladen weight of any combination of vehicles plus the weight of the maximum load to be carried on the combination of vehicles as set by the registrant in the application pursuant to chapter 46.44 RCW and for which registration fees have been or are to be paid.

(6) "Declared gross weight" means the total unladen weight of any vehicle plus the weight of the maximum load to be carried on the vehicle as set by the registrant in the application pursuant to chapter 46.44 RCW and for which registration fees have been or are to be paid. In the case of a bus, auto stage, or a passenger-carrying for hire vehicle with a seating capacity of more than six, the declared gross weight shall be determined by multiplying the average load factor of one hundred and fifty pounds by the number of seats in the vehicle, including the driver's seat, and add this amount to the unladen weight of the vehicle. If the resultant gross weight is not listed in RCW 46.16.070, it will be increased to the next higher gross weight so listed pursuant to chapter 46.44 RCW.

(7) "Department" means the department of licensing.

(8) "Fleet" means one or more commercial vehicles in the Western Compact and one or more apportionable vehicles in the IRP.

(9) "In-jurisdiction miles" means the total miles accumulated in a jurisdiction during the preceding year by vehicles of the fleet while they were a part of the fleet.

(10) "IRP" means the International Registration Plan.

(11) "Jurisdiction" means and includes a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a foreign county, and a state or province of a foreign country.

(12) "Owner" means a person or business firm who holds the legal title to a vehicle, or if a vehicle is the subject of an agreement for its conditional sale with the right of purchase upon

performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or if a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control, for security or otherwise, or if a mortgagor of a vehicle is entitled to possession, then the owner is deemed to be the person or business firm in whom is vested right of possession or control.

(13) "Preceding year" means the period of twelve consecutive months immediately prior to July 1st of the year immediately preceding the commencement of the registration or license year for which proportional registration is sought.

(14) "Properly registered," as applied to the place of registration under the provisions of the Western Compact, means:

(a) In the case of a commercial vehicle, the jurisdiction in which it is registered if the commercial enterprise in which the vehicle is used has a place of business therein, and, if the vehicle is most frequently dispatched, garaged, serviced, maintained, operated, or otherwise controlled in or from that place of business, and the vehicle has been assigned to that place of business; or

(b) In the case of a commercial vehicle, the jurisdiction where, because of an agreement or arrangement between two or more jurisdictions, or pursuant to a declaration, the vehicle has been registered as required by that jurisdiction.

In case of doubt or dispute as to the proper place of registration of a commercial vehicle, the department shall make the final determination, but in making such determination, may confer with departments of the other jurisdictions affected.

(15) "Prorate percentage" is the factor that is applied to the total proratable fees and taxes to determine the apportionable or prorate fees required for registration in a particular jurisdiction. It is determined by dividing the in-jurisdiction miles for a particular jurisdiction by the total miles. This term is synonymous with the term "mileage percentage."

(16) "Registrant" means a person, business firm, or corporation in whose name or names a vehicle or fleet of vehicles is registered.

(17) "Registration year" means the twelve-month period during which the registration plates issued by the base jurisdiction are valid according to the laws of the base jurisdiction. The "registration year" for Washington is the period from January 1st through December 31st of each calendar year.

(18) "Total miles" means the total number of miles accumulated in all jurisdictions during the preceding year by all vehicles of the fleet while they were a part of the fleet. Mileage accumulated by vehicles of the fleet that did not engage in interstate operations is not included in the fleet miles.

(19) "Western Compact" means the Uniform Vehicle Registration, Proration, and Reciprocity Agreement.

Sec. 112. REGISTRATION OF TRAILERS, SEMITRAILERS, POLETRAILERS, AND CONVERTER GEARS. Section 7, chapter 380, Laws of 1985 as amended by section 22, chapter 244, Laws of 1987 and RCW 46.87.070 are each amended to read as follows:

~~((Any trailer, semitrailer, converter gear (auxiliary axes), or pole trailer being pulled by a motor vehicle that is proportionally registered under the terms of this chapter shall display a valid vehicle license plate issued by the base jurisdiction and be registered in this state.)) (1) Washington-based trailers, semitrailers, converter gears (auxiliary axes), or pole trailers shall be fully licensed in this state except as herein provided. If these vehicles are being operated in jurisdictions that require the registration of such vehicles, the applicable vehicles may be considered as apportionable or commercial vehicles for the purpose of registration in those jurisdictions. The prorate percentage for which registration fees and taxes were paid to such jurisdictions for each nonmotor vehicle of the fleet may be credited toward the one hundred percent of registration fees and taxes due this state for full licensing of each such vehicle.~~

~~(2) Trailers, semitrailers, converter gears (auxiliary axes), and pole trailers which are properly based in jurisdictions other than Washington, and which display currently registered license plates from such jurisdictions will be granted vehicle license reciprocity in this state without the need of further vehicle license registration. If converter gears (auxiliary axes) or pole trailers are not required to be licensed separately by a member jurisdiction, such vehicles may be operated in this state without displaying a current base license plate.~~

Sec. 113. MILEAGE DATA FOR APPLICATIONS—NONMOTOR VEHICLES. Section 25, chapter 244, Laws of 1987 and RCW 46.87.120 are each amended to read as follows:

(1) The initial application for proportional registration of a fleet shall state the mileage data with respect to the fleet for the preceding year in this and other jurisdictions. If no operations were conducted with the fleet during the preceding year, the application shall contain a full statement of the proposed method of operation and estimates of annual mileage in each of the jurisdictions in which operation is contemplated. The registrant shall determine the in-jurisdiction and total miles to be used in computing the fees and taxes due for the fleet. The department may evaluate and adjust the estimate in the application if it is not satisfied as to its correctness.

~~(2) ((When the nonmotor vehicles of a fleet are operated in jurisdictions in addition to those in which the motor vehicles of the fleet are operated, or when the nonmotor vehicles of a fleet~~

are operated with motor vehicles that are not part of the fleet, the registrant shall place such nonmotor vehicles in a separate fleet)) Fleets will consist of either motor vehicles or nonmotor vehicles, but not a mixture of both.

(3) In instances where the use of mileage accumulated by a nonmotor vehicle fleet is impractical, for the purpose of calculating prorate percentages, the registrant may request another method and/or unit of measure to be used in determining the prorate percentages. Upon receiving such request, the department may prescribe another method and/or unit of measure to be used in lieu of mileage that will ensure each jurisdiction that requires the registration of nonmotor vehicles its fair share of vehicle licensing fees and taxes.

(4) When operations of a Washington-based fleet is materially changed through merger, acquisition, or extended authority, the registrant shall notify the department, which shall then require the filing of an amended application setting forth the proposed operation by use of estimated mileage for all jurisdictions. The department may adjust the estimated mileage by audit or otherwise to an actual travel basis to insure proper fee payment. The actual travel basis may be used for determination of fee payments until such time as a normal mileage year is available under the new operation. Under the provisions of the Western Compact, this subsection applies to any fleet proportionally registered in Washington irrespective of the fleet's base jurisdiction.

Sec. 114. APPLICATION—FILING, CONTENTS—FEES AND TAXES—ASSESSMENTS, DUE DATE. Section 27, chapter 244, Laws of 1987 and RCW 46.87.140 are each amended to read as follows:

(1) Any owner engaged in interstate operations of one or more fleets of apportionable or commercial vehicles may, in lieu of registration of the vehicles under chapter 46.16 RCW, register and license the vehicles of each fleet under this chapter by filing a proportional registration application for each fleet with the department. The nonmotor vehicles of Washington-based fleets which are operated in IRP jurisdictions that require registration of such vehicles may be proportionally registered for operation in those jurisdictions as herein provided. The application shall contain the following information and such other information pertinent to vehicle registration as the department may require:

(a) A description and identification of each vehicle of the fleet. ~~((If the fleet contains both power units and nonpower units, the power units shall be listed first on the application, followed by the nonpower units. However, if the nonpower units are occasionally pulled by power units which are not part of this fleet, the))~~ Motor vehicles and nonpower units shall be placed in ((a)) separate fleets.

(b) If registering under the provisions of the IRP, the registrant shall also indicate member jurisdictions in which registration is desired and furnish such other information as those member jurisdictions require.

(c) An original or renewal application shall also be accompanied by a mileage schedule for each fleet.

(2) Each application shall, at the time and in the manner required by the department, be supported by payment of a fee computed as follows:

(a) Divide the in-jurisdiction miles by the total miles and carry the answer to the nearest thousandth of a percent (three places beyond the decimal, e.g. 10.543%). This factor is known as the prorate percentage.

(b) Determine the total proratable fees and taxes required for each vehicle in the fleet for which registration is requested, based on the regular annual fees and taxes or applicable fees and taxes for the unexpired portion of the registration year under the laws of each jurisdiction for which fees or taxes are to be calculated.

Washington-based nonpower vehicles shall normally be fully licensed, by paying full registration fees and taxes, in this state. If these vehicles are being operated in jurisdictions that require the registration of such vehicles, the applicable vehicles may be considered as apportionable vehicles for the purpose of registration in those jurisdictions. The prorate percentage for which registration fees and taxes were paid to such jurisdictions may be credited toward the one hundred percent of registration fees and taxes due this state for full licensing. Applicable fees and taxes for vehicles of Washington-based fleets are those prescribed under RCW 46.16.070, 46.16.085, 82.38.075, and 82.44.020, as applicable.

(c) Multiply the total, proratable fees or taxes for each vehicle by the prorate percentage applicable to the desired jurisdiction and round the results to the nearest cent.

(d) Add the total fees and taxes determined in subsection (2)(c) of this section for each vehicle to the nonproratable fees required under the laws of the jurisdiction for which fees are being calculated. Nonproratable fees required for vehicles of Washington-based fleets are the administrative fee required by RCW 82.38.075, if applicable, and the vehicle transaction fee pursuant to the provisions of RCW 46.87.130.

(e) Add the total fees and taxes determined in subsection (2)(d) of this section for each vehicle listed on the application. Assuming the fees and taxes calculated were for Washington, this would be the amount due and payable for the application under the provisions of the

Western Compact. Under the provisions of the IRP, the amount due and payable for the application would be the sum of the fees and taxes referred to in subsection (2)(d) of this section, calculated for each member jurisdiction in which registration of the fleet is desired.

(3) All assessments for proportional registration fees are due and payable in United States funds on the date presented or mailed to the registrant at the address listed in the proportional registration records of the department. The registrant may petition for reassessment of the fees or taxes due under this section within thirty days of the date of original service as provided for in this chapter.

Sec. 115. Section 22, chapter 47, Laws of 1971 ex. sess. as last amended by section 25, chapter 36, Laws of 1988 and RCW 46.09.170 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on the tax rate in effect January 1, 1990, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

(a) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than five percent may be expended for information programs under this chapter;

(ii) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;

(iv) Not more than fifty percent may be expended for nonhighway road recreation facilities;

(v) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (d) (i) of this subsection;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of wildlife solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and

(d) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the outdoor recreation account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV recreation facilities and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;

(ii) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty percent may be expended for nonhighway road recreation facilities.

(2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

Sec. 116. Section 7, chapter 5, Laws of 1965 as amended by section 111, chapter 158, Laws of 1979 and RCW 43.99.070 are each amended to read as follows:

Upon expiration of the time limited by RCW 82.36.330 for claiming of refunds of tax on marine fuel, the state of Washington shall succeed to the right to such refunds. From time to time, but at least once each biennium, the director of licensing, after taking into account past and anticipated claims for refunds from and deposits to the marine fuel tax refund account and the costs of carrying out the provisions of RCW 43.99.030, shall request the state treasurer to transfer ~~((to the outdoor recreation account such of the moneys in the marine fuel tax refund account as shall not be required for payment of such refund claims or costs, and the state treasurer shall make such transfer))~~ an amount equal to the proportion of the moneys in the account representing the motor vehicle fuel tax rate under RCW 82.36.025 in effect on January 1, 1990, to the outdoor recreation account and the remainder to the motor vehicle fund.

Sec. 117. Section 17, chapter 29, Laws of 1971 ex. sess. as amended by section 13, chapter 182, Laws of 1979 ex. sess. and RCW 46.10.170 are each amended to read as follows:

From time((:)) to time, but at least once each ((four years)) biennium, the department shall determine the amount or proportion of moneys paid to it as motor vehicle fuel tax, based on the tax rate in effect January 1, 1990, which is tax on snowmobile fuel. Such determination may be made in any manner which is, in the judgment of the director, reasonable, but the manner used to make such determination shall be reported at the end of each ((four-year period)) biennium to the legislature. To offset the actual cost of making such determination the treasurer shall retain in, and the department is authorized to expend from, the motor vehicle fund a sum equal to such actual cost.

PART II: LOCAL OPTION FUNDING AUTHORITY

NEW SECTION. Sec. 201. LOCAL OPTION MOTOR VEHICLE AND SPECIAL FUEL TAX. (1) Subject to the conditions of this section, any county may levy, by approval of its legislative body and a majority of the registered voters of the county voting on the proposition at a general or special election, additional excise taxes equal to ten percent of the state-wide motor vehicle fuel tax rate under RCW 82.36.025 on each gallon of motor vehicle fuel as defined in RCW 82.36.010(2) and on special fuel as defined in RCW 82.38.020(5), per gallon or one hundred cubic feet of compressed natural gas measured at standard temperature and pressure sold within the boundaries of the county. An election held under this section must be held not more than twelve months before the date on which the proposed tax is to be levied. The ballot setting forth the proposition shall state the tax rate that is proposed. The county's authority to levy additional excise taxes under this section includes the incorporated and unincorporated areas of the county. The additional excise taxes are subject to the same exceptions and rights of refund as applicable to other motor vehicle fuel and special fuel excise taxes levied under chapters 82.36 and 82.38 RCW. The proposed tax shall not be levied less than one month from the date the election results are certified by the county election officer. The commencement date for the levy of any tax under this section shall be the first day of January, April, July, or October.

(2) Every person subject to the tax shall pay, in addition to any other taxes provided by law, an additional excise tax to the director of licensing at the rate levied by a county exercising its authority under this section.

(3) The state treasurer shall distribute monthly to the levying county and cities contained therein the proceeds of the additional excise taxes collected under this section, after the deductions for payments and expenditures as provided in RCW 46.68.090 (1) (a) and (b) and under the conditions and limitations provided in section 213 of this act.

(4) The proceeds of the additional excise taxes levied under this section shall be used strictly for transportation purposes in accordance with section 212 of this act.

Sec. 202. REPORTS BY DISTRIBUTORS. Section 82.36.030, chapter 15, Laws of 1961 as amended by section 2, chapter 174, Laws of 1987 and RCW 82.36.030 are each amended to read as follows:

Every distributor shall on or before the twenty-fifth day of each calendar month file, on forms furnished by the director, a statement signed by the distributor or his authorized agent showing the total number of gallons of motor vehicle fuel sold, distributed, or used by such distributor within this state during the preceding calendar month and, for counties within which an additional excise tax on motor vehicle fuel has been levied by that jurisdiction under section 201 of this act, showing the total number of gallons of motor vehicle fuel distributed and sold to dealers by the distributor for sale within the boundaries of the county during the preceding calendar month.

If any distributor fails to file such report, the director shall proceed forthwith to determine from the best available sources, the amount of motor vehicle fuel sold, distributed, or used by such distributor for the unreported period, and said determination shall be presumed to be correct for that period until proved by competent evidence to be otherwise. The director shall immediately assess the excise tax in the amount so determined, adding thereto a penalty of ten percent for failure to report. Such penalty shall be cumulative of other penalties herein provided. All statements filed with the director, as required in this section, shall be public records.

If any distributor establishes by a fair preponderance of evidence that his or her failure to file a report by the due date was attributable to reasonable cause and was not intentional or willful, the department may waive the penalty imposed by this section.

Sec. 203. Section 16, chapter 175, Laws of 1971 ex. sess. as last amended by section 1, chapter 23, Laws of 1988 and RCW 82.38.150 are each amended to read as follows:

For the purpose of determining the amount of ((his)) liability for the tax herein imposed each special fuel dealer and each special fuel user shall file tax reports with the department, on forms prescribed by the department. Special fuel dealers shall file the reports at the intervals as shown in the following schedule:

| | |
|-----------------------------------|---------------------|
| Estimated Yearly Tax Liability | Reporting Frequency |
| \$ 0 - \$100 | Yearly |
| \$101 - 250 | Semi-yearly |
| \$251 - 499 | Quarterly |
| \$500 and over | Monthly |

Special fuel users whose estimated yearly tax liability is two hundred fifty dollars or less, shall file a report yearly, and special fuel users whose estimated yearly tax liability is more than two hundred fifty dollars, shall file reports quarterly.

The department shall establish the reporting frequency for each applicant at the time the special fuel license is issued. If it becomes apparent that any special fuel licensee is not reporting in accordance with the above schedule, the department shall change the licensee's reporting frequency by giving thirty days' notice to the licensee by mail to his address of record. A report shall be filed with the department even though no special fuel was used, or tax is due, for the reporting period. Each tax report shall contain a declaration by the person making the same, to the effect that the statements contained therein are true and are made under penalties of perjury, which declaration shall have the same force and effect as a verification of the report and (~~shall be~~) is in lieu of such verification. The report shall show such information as the department may reasonably require for the proper administration and enforcement of this chapter: PROVIDED, That if a special fuel dealer or special fuel user is also a special fuel supplier at a location where special fuel is delivered into the supply tank of a motor vehicle, and if separate storage is provided thereat from which special fuel is delivered or placed into fuel supply tanks of motor vehicles, the tax report to the department need not include inventory control data covering bulk storage from which wholesale distribution of special fuel is made. For counties within which an additional excise tax on special fuel has been levied by that jurisdiction under section 201 of this act, the report must show the quantities of special fuel distributed and sold by the reporting dealer or user within the county's boundaries and the tax liability from its levy. The special fuel dealer or special fuel user shall file the report on or before the twenty-fifth day of the next succeeding calendar month following the period to which it relates.

Subject to the written approval of the department, tax reports may cover a period ending on a day other than the last day of the calendar month. Taxpayers granted approval to file reports in this manner will file such reports on or before the twenty-fifth day following the end of the reporting period. No change to this reporting period will be made without the written authorization of the department.

If the final filing date falls on a Saturday, Sunday, or legal holiday the next secular or business day shall be the final filing date. Such reports shall be considered filed or received on the date shown by the post office cancellation mark stamped upon an envelope containing such report properly addressed to the department, or on the date it was mailed if proof satisfactory to the department is available to establish the date it was mailed.

The department, if it deems it necessary in order to insure payment of the tax imposed by this chapter, or to facilitate the administration of this chapter, (~~shall have~~) has the authority to require the filing of reports and tax remittances at shorter intervals than one month if, in its opinion, an existing bond has become insufficient.

The department may permit any special fuel user whose sole use of special fuel is in motor vehicles or equipment exempt from tax as provided in RCW 82.38.075 and RCW 82.38.080 (1), (2), (3), (8), and (9), in lieu of the reports required in this section, to submit reports annually or as requested by the department, in such form as the department may require.

A special fuel user whose sole use of special fuel is for purposes other than the propulsion of motor vehicles upon the public highways of this state shall not be required to submit the reports required in this section.

Sec. 204. Section 82.36.440, chapter 15, Laws of 1961 as amended by section 5, chapter 181, Laws of 1979 ex. sess. and RCW 82.36.440 are each amended to read as follows:

The tax (~~herein~~) levied in this chapter is in lieu of any excise, privilege, or occupational tax upon the business of manufacturing, selling, or distributing motor vehicle fuel, and no city, town, county, township or other subdivision or municipal corporation of the state shall levy or collect any excise tax upon or measured by the sale, receipt, distribution, or use of motor vehicle fuel(~~;-PROVIDED, That nothing in this section or chapter 82.36 RCW shall be construed to prohibit in any manner the imposition of a city tax upon motor vehicle fuel pursuant to RCW 82.39.010);~~ except as provided in section 201 of this act.

Sec. 205. Section 29, chapter 175, Laws of 1971 ex. sess. as amended by section 6, chapter 181, Laws of 1979 ex. sess. and RCW 82.38.280 are each amended to read as follows:

The tax (~~herein~~) levied in this chapter is in lieu of any excise, privilege, or occupational tax upon the business of manufacturing, selling, or distributing special fuel, and no city, town, county, township or other subdivision or municipal corporation of the state shall levy or collect any excise tax upon or measured by the sale, receipt, distribution, or use of special fuel(~~;-PROVIDED, That nothing in this section or chapter 82.38 RCW shall be construed to prohibit in any manner the imposition of a city tax upon special fuel pursuant to RCW 82.39.010);~~ except as provided in section 201 of this act.

NEW SECTION, Sec. 206. LOCAL OPTION VEHICLE LICENSE FEE. (1) The legislative authority of a county may fix and impose an additional fee, not to exceed fifteen dollars per vehicle, for each vehicle that is subject to license fees under RCW 46.16.060 and is determined by the department of licensing to be registered within the boundaries of the county.

(2) The department of licensing shall administer and collect the fee. The department shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected, for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer for monthly distribution under section 213 of this act.

(3) The proceeds of this fee shall be used strictly for transportation purposes in accordance with section 212 of this act.

(4) A county imposing this fee shall delay the effective date at least six months from the date the ordinance is enacted to allow the department of licensing to implement administration and collection of the fee.

Sec. 207. STATE PREEMPTS LICENSING FIELD. Section 46.08.010, chapter 12, Laws of 1961 and RCW 46.08.010 are each amended to read as follows:

The provisions of this title relating to the certificate of ownership, certificate of license registration, vehicle license, vehicle license plates and vehicle operator's license shall be exclusive and no political subdivision of the state of Washington shall require or issue any licenses or certificates for the same or a similar purpose except as provided in section 206 of this act, nor shall any city or town in this state impose a tax, license, or other fee upon vehicles operating exclusively between points outside of such city or town limits, and to points therein.

NEW SECTION. Sec. 208. LOCAL OPTION COMMERCIAL PARKING TAX. (1) Subject to the conditions of this section, the legislative authority of a county or city may fix and impose a parking tax on all persons engaged in a commercial parking business within its respective jurisdiction. The jurisdiction of a county, for purposes of this section, includes only the unincorporated area of the county. The jurisdiction of a city includes only the area within its incorporated boundaries.

(2) In lieu of the tax in subsection (1) of this section, a city or a county in its unincorporated area may fix and impose a tax for the act or privilege of parking a motor vehicle in a facility operated by a commercial parking business.

The city or county may provide that:

- (a) The tax is paid by the operator or owner of the motor vehicle;
- (b) The tax applies to all parking for which a fee is paid, whether paid or leased, including parking supplied with a lease of nonresidential space;
- (c) The tax is collected by the operator of the facility and remitted to the city or county;
- (d) The tax is a fee per vehicle or is measured by the parking charge;
- (e) The tax rate varies with zoning or location of the facility, the duration of the parking, the time of entry or exit, the type or use of the vehicle, or other reasonable factors; and
- (f) Tax exempt carpools, vehicles with handicapped decals, or government vehicles are exempt from the tax.

(3) "Commercial parking business" as used in this section, means the ownership, lease, operation, or management of a commercial parking lot in which fees are charged. "Commercial parking lot" means a covered or uncovered area with stalls for the purpose of parking motor vehicles.

(4) The rate of the tax under subsection (1) of this section may be based either upon gross proceeds or the number of vehicle stalls available for commercial parking use. The rates charged must be uniform for the same class or type of commercial parking business.

(5) The county or city levying the tax provided for in subsection (1) or (2) of this section may provide for its payment on a monthly, quarterly, or annual basis. Each local government may develop by ordinance or resolution rules for administering the tax, including provisions for reporting by commercial parking businesses, collection, and enforcement.

(6) The proceeds of the commercial parking tax fixed and imposed under subsection (1) or (2) of this section shall be used strictly for transportation purposes in accordance with section 212 of this act.

NEW SECTION. Sec. 209. LOCAL OPTION STREET UTILITY. A city or town may elect by action of its legislative authority to own, maintain, operate, and preserve all or any described portion of its streets as a separate enterprise and facility, known as a street utility, and from time to time add other existing or new streets to that street utility, with full power to own, maintain, operate, and preserve. The legislative authority of the city or town may include as a part of the street utility, street lighting, traffic control devices, sidewalks, curbs, gutters, parking facilities, and drainage facilities. The legislative authority of the city or town is the governing body of the street utility.

NEW SECTION. Sec. 210. RATES CHARGED BY STREET UTILITY. A city or town electing to own, maintain, operate, and preserve its streets as a separate street utility may levy periodic charges for the use or availability of the streets in order to meet up to fifty percent of the actual costs for maintenance, operation, and preservation of facilities under the jurisdiction of the street utility. The rates charged for the use must be uniform for the same class of service and all classes of service must be subject to the utility charge. Charges imposed on businesses shall be measured solely by the number of employees and shall not exceed the equivalent of two dollars per full-time equivalent employee per month. Charges imposed against owners or occupants of residential property shall not exceed two dollars per month per housing unit as

defined in RCW 35.95.040. Charges against owners of property that is exempt from property tax under chapter 84.36 RCW or leasehold tax under chapter 82.29A RCW shall be based solely on the number of employees of the tax exempt body associated with the property. Provided that in recognition of the benefits accruing to the city or town from the service provided by such tax exempt entities, the charges authorized herein shall be paid by the city or town. The charges shall not be computed on the basis of an ad valorem charge on the underlying real property and improvements. This section shall not be used as a basis to directly or indirectly charge transportation impact fees or mitigation fees of any kind against new development. A city or town may contract with any other utility or local government to provide for billing and collection of the street utility charges.

Any city or town ordinance or resolution creating a street utility must contain a provision granting to any business a credit against any street utility charge the full amount of any commuter or employer tax paid for transportation purposes by that business.

NEW SECTION, Sec. 211. USE OF OTHER PROCEEDS BY UTILITY. The city or town electing to own, maintain, operate, and preserve its streets and related facilities as a utility under this chapter may finance the operation, maintenance, and preservation through local improvement districts, utility local improvement districts, or with proceeds from general obligation bonds and revenue bonds payable from the charges issued in accordance with chapter 35.41 or 35.92 RCW, or any combination thereof. The city or town may use, in addition to the charges authorized by section 210 of this act, funds from general taxation, money received from the federal, state, or other local governments, and other funds made available to it. The proceeds of the charges authorized by section 210 of this act shall be used strictly for transportation purposes in accordance with this chapter and section 212 of this act.

NEW SECTION, Sec. 212. USE OF LOCAL OPTION REVENUES. (1) The proceeds collected pursuant to the exercise of the local option authority of sections 201, 206, 208, and 210 of this act (hereafter called "local option transportation revenues") shall be used for transportation purposes only, including but not limited to the following: The operation and preservation of roads, streets, and other transportation improvements; new construction, reconstruction, and expansion of city streets, county roads, and state highways and other transportation improvements; development and implementation of public transportation and high-capacity transit improvements and programs; and planning, design, and acquisition of right of way and sites for such transportation purposes. The proceeds collected from excise taxes on the sale, distribution, or use of motor vehicle fuel and special fuel under section 201 of this act shall be used exclusively for "highway purposes" as that term is construed in Article II, section 40 of the state Constitution.

(2) The local option transportation revenues shall be expended for transportation uses consistent with the adopted transportation and land use plans of the jurisdiction expending the funds and consistent with any applicable and adopted regional transportation plan for metropolitan planning areas.

(3) Each local government with a population greater than eight thousand that levies or expends local option transportation funds, is also required to develop and adopt a specific transportation program that contains the following elements:

(a) The program shall identify the geographic boundaries of the entire area or areas within which local option transportation revenues will be levied and expended.

(b) The program shall be based on an adopted transportation plan for the geographic areas covered and shall identify the proposed operation and construction of transportation improvements and services in the designated plan area intended to be funded in whole or in part by local option transportation revenues and shall identify the annual costs applicable to the program.

(c) The program shall indicate how the local transportation plan is coordinated with applicable transportation plans for the region and for adjacent jurisdictions.

(d) The program shall include at least a six-year funding plan, updated annually, identifying the specific public and private sources and amounts of revenue necessary to fund the program. The program shall include a proposed schedule for construction of projects and expenditure of revenues. The funding plan shall consider the additional local tax revenue estimated to be generated by new development within the plan area if all or a portion of the additional revenue is proposed to be earmarked as future appropriations for transportation improvements in the program.

(4) Local governments with a population greater than eight thousand exercising the authority for local option transportation funds shall periodically review and update their transportation program to ensure that it is consistent with applicable local and regional transportation and land use plans and within the means of estimated public and private revenue available.

(5) In the case of expenditure for new or expanded transportation facilities, improvements, and services, priorities in the use of local option transportation revenues shall be identified in the transportation program and expenditures shall be made based upon the following criteria, which are stated in descending order of weight to be attributed:

(a) First, the project serves a multijurisdictional function;

(b) Second, it is necessitated by existing or reasonably foreseeable congestion;

(c) Third, it has the greatest person-carrying capacity;

(d) Fourth, it is partially funded by other government funds, such as from the state transportation improvement board, or by private sector contributions, such as those from the local transportation act, chapter 39.92 RCW; and

(e) Fifth, it meets such other criteria as the local government determines is appropriate.

(6) It is the intent of the legislature that as a condition of levying, receiving, and expending local option transportation revenues, no local government agency use the revenues to replace, divert, or loan any revenues currently being used for transportation purposes to nontransportation purposes. The association of Washington cities and the Washington state association of counties, in consultation with the legislative transportation committee, shall study the issue of nondiversion and make recommendations to the legislative transportation committee for language implementing the intent of this section by December 1, 1990.

(7) Local governments are encouraged to enter into interlocal agreements to jointly develop and adopt with other local governments the transportation programs required by this section for the purpose of accomplishing regional transportation planning and development.

(8) Local governments may use all or a part of the local option transportation revenues for the amortization of local government general obligation and revenue bonds issued for transportation purposes consistent with the requirements of this section.

NEW SECTION. Sec. 213. DISTRIBUTION OF LOCAL OPTION TAXES. The state treasurer shall distribute revenues, less authorized deductions, generated by the local option taxes authorized in sections 201 and 206 of this act, levied by counties to the levying counties, and cities contained in those counties, based on the relative per capita population. County population for purposes of this section is equal to one and one-half of the unincorporated population of the county. In calculating the distributions, the state treasurer shall use the population estimates prepared by the state office of financial management and shall further calculate the distribution based on information supplied by the departments of licensing and revenue, as appropriate.

NEW SECTION. Sec. 214. LOCAL OPTION REFERENDUM. A referendum petition to repeal a county or city ordinance imposing a tax or fee authorized under sections 206 and 208 of this act must be filed with a filing officer, as identified in the ordinance, within seven days of passage of the ordinance. Within ten days, the filing officer shall confer with the petitioner concerning form and style of the petition, issue an identification number for the petition, and write a ballot title for the measure. The ballot title shall be posed as a question so that an affirmative answer to the question and an affirmative vote on the measure results in the tax or fee being imposed and a negative answer to the question and a negative vote on the measure results in the tax or fee not being imposed. The petitioner shall be notified of the identification number and ballot title within this ten-day period.

After this notification, the petitioner has thirty days in which to secure on petition forms the signatures of not less than fifteen percent of the registered voters of the county for county measures, or not less than fifteen percent of the registered voters of the city for city measures, and to file the signed petitions with the filing officer. Each petition form must contain the ballot title and the full text of the measure to be referred. The filing officer shall verify the sufficiency of the signatures on the petitions. If sufficient valid signatures are properly submitted, the filing officer shall submit the referendum measure to the county or city voters at a general or special election held on one of the dates provided in RCW 29.13.010 as determined by the county or city legislative authority, which election shall not take place later than one hundred twenty days after the signed petition has been filed with the filing officer.

The referendum procedure provided in this section is the exclusive method for subjecting any county or city ordinance imposing a tax or fee under sections 206 and 208 of this act to a referendum vote.

PART III: MOTOR VEHICLE EXCISE TAX

Sec. 301. Section 82.44.010, chapter 15, Laws of 1961 as last amended by section 10, chapter 107, Laws of 1979 and RCW 82.44.010 are each amended to read as follows:

For the purposes of this chapter, unless context otherwise requires:

(1) "Department" means the department of licensing.

(2) "Motor vehicle" means all motor vehicles, trailers and semitrailers used, or of the type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads and facilities for human habitation; but shall not include ((t)) (a) vehicles carrying exempt licenses, ((z)) (b) dock and warehouse tractors and their cars or trailers, lumber carriers of the type known as spiders, and all other automotive equipment not designed primarily for use upon public streets, or highways, ((3)) (c) motor vehicles or their trailers used entirely upon private property, ((4)) (d) mobile homes and travel trailers as defined in RCW 82.50.010, or ((5)) (e) motor vehicles owned by nonresident military personnel of the armed forces of the United States stationed in the state of Washington provided personnel were also nonresident at the time of their entry into military service.

(3) "Truck-type power or trailing unit" means any vehicle that is subject to the fees under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, 46.16.080, 46.16.085, or 46.16.090.

Sec. 302. Section 1, chapter 191, Laws of 1988 and RCW 82.44.020 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using in the state any motor vehicle, except those operated under reciprocal agreements, the provisions of RCW 46.16.160 as now or hereafter amended, or dealer's licenses. The annual amount of such excise tax shall be two percent of the ((fair market)) value of such vehicle.

(2) An additional excise tax is imposed, in addition to any other tax imposed by this section, for the privilege of using in the state any such motor vehicle, and the annual amount of such additional excise shall be two-tenths of one percent of the ((fair market)) value of such vehicle.

~~(3) (Effective with January, 1989, motor vehicle license expirations, and ending after December, 1991, expirations, an additional excise tax is imposed, in addition to any other tax imposed by this section, for the privilege of using in the state any such motor vehicle, and the annual amount of such additional excise tax shall be one-tenth of one percent of the fair market value of such vehicle.~~

~~(4) The department of licensing and county auditors shall collect the additional tax imposed by subsections (2) and (3) of this section for any registration year for the months of that registration year in which such additional tax is effective, and in the same manner and at the same time as the tax imposed by subsection (1) of this section.~~

(5)) In no case shall the total tax be less than two dollars except for proportionally registered vehicles.

~~((6) An additional tax is imposed equal to the taxes payable under subsections (1) and (2) of this section multiplied by the rate specified in RCW 82.02.030.~~

(7)) (4) Washington residents, as defined in RCW 46.16.028, who license motor vehicles in another state or foreign country and avoid Washington motor vehicle excise taxes are liable for such unpaid excise taxes. The department of revenue may assess and collect the unpaid excise taxes under chapter 82.32 RCW, including the penalties and interest provided therein.

NEW SECTION. Sec. 303. A new section is added to chapter 82.44 RCW to read as follows:

(1) For the purpose of determining the tax under this chapter, the value of a truck-type power or trailing unit shall be the latest purchase price of the vehicle, excluding applicable federal excise taxes, state and local sales or use taxes, transportation or shipping costs, or preparatory or delivery costs, multiplied by the following percentage based on year of service of the vehicle since last sale. The latest purchase year shall be considered the first year of service.

| <u>YEAR OF SERVICE</u> | <u>PERCENTAGE</u> |
|------------------------|-------------------|
| 1 | 100 |
| 2 | 90 |
| 3 | 83 |
| 4 | 75 |
| 5 | 67 |
| 6 | 59 |
| 7 | 52 |
| 8 | 44 |
| 9 | 36 |
| 10 | 28 |
| 11 | 21 |
| 12 | 13 |
| 13 or older | 10 |

(2) The reissuance of title and registration for a truck-type power or trailing unit because of the installation of body or special equipment shall be treated as a sale, and the value of the truck-type power or trailing unit at that time, as determined by the department from such information as may be available, shall be considered the latest purchase price.

(3) For the purpose of determining the tax under this chapter, the value of a motor vehicle other than a truck-type power or trailing unit shall be the manufacturer's base suggested retail price of the vehicle when first offered for sale as a new vehicle, excluding any optional equipment, applicable federal excise taxes, state and local sales or use taxes, transportation or shipping costs, or preparatory or delivery costs, multiplied by the applicable percentage listed in this subsection based on year of service of the vehicle.

If the manufacturer's base suggested retail price is unavailable or otherwise unascertainable at the time of initial registration in this state, the department shall determine a value equivalent to a manufacturer's base suggested retail price as follows:

(a) The department shall determine a value using any information that may be available, including any guidebook, report, or compendium of recognized standing in the automotive industry or the selling price and year of sale of the vehicle. The department may use an appraisal by the county assessor. In valuing a vehicle for which the current value or selling

price is not indicative of the value of similar vehicles of the same year and model, the department shall establish a value that more closely represents the average value of similar vehicles of the same year and model.

(b) The value determined in (a) of this subsection shall be divided by the applicable percentage listed in this subsection to establish a value equivalent to a manufacturer's base suggested retail price. The applicable percentage shall be based on the year of service of the vehicle for which the value is determined.

| <u>YEAR OF SERVICE</u> | <u>PERCENTAGE</u> |
|------------------------|-------------------|
| 1 | 100 |
| 2 | 100 |
| 3 | 91 |
| 4 | 83 |
| 5 | 74 |
| 6 | 65 |
| 7 | 57 |
| 8 | 48 |
| 9 | 40 |
| 10 | 31 |
| 11 | 22 |
| 12 | 14 |
| 13 or older | 10 |

(4) For purposes of this chapter, value shall exclude value attributable to modifications of a motor vehicle and equipment that are designed to facilitate the use or operation of the motor vehicle by a handicapped person.

Sec. 304. Section 82.44.060, chapter 15, Laws of 1961 as last amended by section 12, chapter 222, Laws of 1981 and RCW 82.44.060 are each amended to read as follows:

The excise tax hereby imposed shall be due and payable to the department (~~(of licensing)~~) or its agents at the time of registration of a motor vehicle. Whenever an application is made to the department (~~(of licensing)~~) or its agents for a license for a motor vehicle there shall be collected, in addition to the amount of the license fee or renewal license fee, the amount of the excise tax imposed by this chapter (~~(prorated to comply with the effective date of the annual schedule prepared pursuant to RCW 82.44.040)~~), and no dealer's license or license plates, and no license or license plates for a motor vehicle shall be issued unless such tax is paid in full. The excise tax hereby imposed shall be collected for each registration year (~~(PROVIDED, That)~~). The excise tax upon a motor vehicle licensed for the first time in this state (~~(after the last day of any registration month)~~) shall (~~(only)~~) be levied for (~~(the remaining months of the registration year including the month in which the motor vehicle is being licensed)~~) one full registration year commencing on the date of the calendar year designated by the department and ending on the same date of the next succeeding calendar year. For vehicles registered under chapter 46.87 RCW, proportional registration, and for vehicle dealer plates issued under chapter 46.70 RCW, the registration year is the period provided in those chapters: PROVIDED (FURTHER), That the tax shall in no case be less than two dollars except for proportionally registered vehicles.

A motor vehicle shall be deemed licensed for the first time in this state when such vehicle was not previously licensed by this state for the registration year immediately preceding the registration year in which the application for license is made or when the vehicle has been registered in another jurisdiction subsequent to any prior registration in this state.

No additional tax shall be imposed under this chapter upon any vehicle upon the transfer of ownership thereof if the tax imposed with respect to such vehicle has already been paid for the registration year or fraction of a registration year in which transfer of ownership occurs.

NEW SECTION. Sec. 305. A new section is added to chapter 82.44 RCW to read as follows:

If the department determines a value for a motor vehicle under section 303 of this act equivalent to a manufacturer's base suggested retail price or the value of a truck-type power or trailing unit under section 303(2) of this act, any person who pays the tax under this chapter for that vehicle may appeal the valuation to the department under chapter 34.05 RCW. If the taxpayer is successful on appeal, the department shall refund the excess tax in the manner provided in RCW 82.44.120.

Sec. 306. Section 82.44.110, chapter 15, Laws of 1961 as last amended by section 7, chapter 9, Laws of 1987 1st ex. sess. and RCW 82.44.110 are each amended to read as follows:

The county auditor shall regularly, when remitting license fee receipts, pay over and account to the director of licensing for the excise taxes collected under the provisions of this chapter. The director shall forthwith transmit the excise taxes to the state treasurer (~~(ninety-eight percent of which excise tax revenue shall upon receipt thereof be credited by the state treasurer to the general fund, and two percent of which excise tax revenue shall be credited by the state treasurer to the motor vehicle fund to defray administrative and other expenses incurred by the state department of licensing in the collection of the excise tax: PROVIDED, That:~~

~~(1) One hundred percent of the proceeds of the additional tax imposed by RCW 82.44.020(2) shall be credited by the state treasurer to the Puget Sound capital construction account in the motor vehicle fund.~~

~~(2) One hundred percent of the proceeds of the additional tax imposed by RCW 82.44.020(3) shall be credited by the state treasurer to the Puget Sound ferry operations account in the motor vehicle fund; and~~

~~(3) All revenues collected under RCW 82.44.020(6) shall be credited by the state treasurer to the general fund).~~

The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(1) as follows:

(1) 1.60 percent into the motor vehicle fund to defray administrative and other expenses incurred by the department in the collection of the excise tax.

(2) 8.15 percent into the Puget Sound capital construction account in the motor vehicle fund.

(3) 4.07 percent into the Puget Sound ferry operations account in the motor vehicle fund.

(4) 8.83 percent into the general fund to be distributed under section 309 of this act.

(5) 4.75 percent into the municipal sales and use tax equalization account in the general fund created in RCW 82.14.210.

(6) 1.60 percent into the county sales and use tax equalization account in the general fund created in RCW 82.14.200.

(7) 71 percent into the general fund through June 30, 1993, and 66 percent into the general fund beginning July 1, 1993.

(8) 5 percent into the transportation fund created in section 312 of this act beginning July 1, 1993.

The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(2) into the transportation fund.

Sec. 307. Section 82.44.120, chapter 15, Laws of 1961 as last amended by section 2, chapter 68, Laws of 1989 and RCW 82.44.120 are each amended to read as follows:

Whenever any person has paid a motor vehicle license fee, and together therewith has paid an excise tax imposed under the provisions of this chapter, and the director of licensing determines that the payor is entitled to a refund of the entire amount of the license fee as provided by law, then ~~then~~ the payor shall also be entitled to a refund of the entire excise tax collected under the provisions of this chapter. In case the director determines that any person is entitled to a refund of only a part of the license fee so paid, the payor shall be entitled to a refund of the difference, if any, between the excise tax collected and that which should have been collected ~~((and the state treasurer shall determine the amount of such refund by reference to the applicable excise tax schedule prepared by the department of revenue in cooperation with the department of licensing)).~~

In case no claim is to be made for the refund of the license fee or any part thereof but claim is made by any person that he or she has paid an erroneously excessive amount of excise tax, the department ~~((of licensing))~~ shall determine in the manner generally provided in this chapter the amount of such excess, if any, that has been paid and shall certify to the state treasurer that such person is entitled to a refund in such amount.

In any case where due to error, a person has been required to pay an excise tax pursuant to this chapter and a vehicle license fee pursuant to Title 46 RCW which amounts to an overpayment of ten dollars or more, such person shall be entitled to a refund of the entire amount of such overpayment, regardless of whether or not a refund of the overpayment has been requested. Conversely, if due to error, the department or its agents has failed to collect the full amount of the license fee and excise tax due, which underpayment is in the amount of ten dollars or more, the department shall charge and collect such additional amount as will constitute full payment of the tax.

If the department approves the claim it shall notify the state treasurer to that effect, and the treasurer shall make such approved refunds and the other refunds herein provided for from the general fund and shall mail or deliver the same to the person entitled thereto.

Any person making any false statement under which he or she obtains any amount of refund to which he or she is not entitled under the provisions of this section is guilty of a gross misdemeanor.

Sec. 308. Section 1, chapter 18, Laws of 1988 and RCW 82.44.150 are each amended to read as follows:

(1) The director of licensing shall, on the twenty-fifth day of February, May, August, and November of each year, ~~((commencing with November, 1991;))~~ advise the state treasurer of the total amount of motor vehicle excise taxes remitted to the department ~~((of licensing))~~ during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW ~~((82.44.020(6) and))~~ 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW ~~((82.44.020(6) and))~~ 82.44.030, from each county shall be multiplied by a

fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department ~~((of licensing))~~ shall, ~~from motor vehicle excise taxes deposited in the general fund, under RCW 82.44.110(7),~~ make the following ~~((apportionment and distribution of motor vehicle excise taxes deposited in the general fund except taxes collected under RCW 82.44.020(6))~~:

~~A sum equal to seventeen percent thereof shall be paid to cities and towns in the proportions and for the purposes hereinafter set forth; a sum equal to two percent thereof shall be allocable to the county sales and use tax equalization account under RCW 82.14.200; and)) deposits:~~

~~(a) To the high capacity transportation account created in RCW 47.78.010, a sum equal to ((four and two-tenths)) four and five-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax ((at a rate not exceeding ninety-six one-hundredths of one percent on the fair market value of every motor vehicle owned by a resident of such municipality shall be deposited in the rail development account established in RCW 47.78.016)) within a class AA county, or within a class A county contiguous to a class AA county, or within a second class county contiguous to a class A county that is contiguous to a class AA county;~~

~~(b) To the central Puget Sound public transportation account created in section 312 of this act, for revenues distributed after December 31, 1992, within a class AA county or within a class A county contiguous to a class AA county, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(b) applies; however, any transfer under this subsection (2)(b) must be greater than zero;~~

~~(c) To the public transportation systems account created in section 312 of this act, for revenues distributed after December 31, 1992, within counties not described in (b) of this subsection, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(c) applies; however, any transfer under this subsection (2)(c) must be greater than zero; and~~

~~(d) To the transportation fund created in section 312 of this act, for revenues distributed after June 30, 1991, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent notwithstanding the requirements set forth in subsections (3) through (6) of this section, reduced by an amount equal to distributions made under (a), (b), and (c) of this subsection.~~

~~(3) (The amount payable to cities and towns shall be apportioned among the several cities and towns within the state according to the following formula:~~

~~(a) Sixty-five percent of the sum specified in subsection (2) of this section to be paid to cities and towns shall be apportioned ratably on the basis of population as last determined by the office of financial management;~~

~~(b) Thirty-five percent of the sum specified in subsection (2) of this section to be paid to cities and towns shall be apportioned to cities and towns under RCW 82.14.210;~~

~~(4) When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be utilized by such city or town for the purposes of police and fire protection and the preservation of the public health therein, and not otherwise.~~

in case it be adjudged that revenue derived from the excise tax imposed by this chapter cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund:

(5)) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department ((of licensing)), shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter.

((6)) (4) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection ((5)) (3) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection ((5)) (3) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection ((5)) (3) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

((7)) (5) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section shall be remitted without legislative appropriation.

((8)) (6) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection ((5)) (3) of this section.

NEW SECTION. Sec. 309. A new section is added to chapter 82.44 RCW to read as follows:

When distributions are made under RCW 82.44.150, the state treasurer shall apportion and distribute the motor vehicle excise taxes deposited into the general fund under RCW 82.44.110(4) to the cities and towns ratably on the basis of population as last determined by the office of financial management. When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be used by the city or town for the purposes of police and fire protection and the preservation of the public health in the city or town, and not otherwise. If it is adjudged that revenue derived from the excise tax imposed by this chapter cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund.

Sec. 310. Section 82.44.160, chapter 15, Laws of 1961 as last amended by section 7, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.160 are each amended to read as follows:

Before distributing moneys to the cities and towns from the general fund, as provided in ((RCW 82.44.150)) section 309 of this act, and from the municipal sales and use tax equalization account, as provided in RCW 82.14.210, the state treasurer shall, on the first day of July of each year, make an annual deduction therefrom of a sum equal to one-half of the biennial appropriation made pursuant to this section, which amount shall be at least seven cents per capita of the population of all cities or towns as legally certified on that date, determined as provided in ((said section)) RCW 82.44.150, which sum shall be apportioned and transmitted to the municipal research council, herein created. Sixty-five percent of the annual deduction shall be from the distribution to cities and towns under section 309 of this act, and thirty-five percent of the annual deduction shall be from the distribution to the municipal sales and use tax equalization account under RCW 82.14.210. The municipal research council may contract with and allocate moneys to any state agency, educational institution, or private consulting firm, which in its judgment is qualified to carry on a municipal research and service program. Moneys may be utilized to match federal funds available for technical research and service programs to cities and towns. Moneys allocated shall be used for studies and research in municipal government.

publications, educational, conferences, and attendance thereat, and in furnishing technical, consultative, and field services to cities and towns in problems relating to planning, public health, municipal sanitation, fire protection, law enforcement, postwar improvements, and public works, and in all matters relating to city and town government. The programs shall be carried on and all expenditures shall be made in cooperation with the cities and towns of the state acting through the Association of Washington Cities by its board of directors which is hereby recognized as their official agency or instrumentality.

Funds appropriated to the municipal research council shall be kept in the treasury in the general fund, and shall be disbursed by warrant or check to contracting parties on invoices or vouchers certified by the ((chairman)) chair of the municipal research council or his or her designee. Payments to public agencies may be made in advance of actual work contracted for, in the discretion of the council.

Sixty-five percent of any moneys remaining unexpended or uncontracted for by the municipal research council at the end of any fiscal biennium shall be returned to the general fund and be paid to cities and towns under ((~~the provisions of RCW 82.44.150~~)) section 309 of this act. The remaining thirty-five percent shall be deposited into the municipal sales and use tax equalization account.

Sec. 311. Section 22, chapter 380, Laws of 1985 as amended by section 56, chapter 244, Laws of 1987 and RCW 82.44.170 are each amended to read as follows:

For each IRP jurisdiction that cannot report to the director the sums of dollars that are collected for the motor vehicle excise tax pursuant to chapter 82.44 RCW separately from other vehicle licensing fees pursuant to RCW 46.16.070 and 46.16.085, the director shall distribute ((~~thirty-six~~) thirty-three) percent of the total fees collected as reported on the IRP vehicle registration recap information forwarded to the director by such jurisdiction pursuant to RCW 82.44.110, until such time as such jurisdiction begins reporting excise tax amounts separately from other vehicle licensing fees. The remainder of the fees collected shall be distributed in accordance with RCW 46.68.035.

NEW SECTION. Sec. 312. A new section is added to chapter 82.44 RCW to read as follows:

(1) The transportation fund is created in the state treasury. Revenues under RCW 82.44.020, 82.44.110, 82.44.150, and the surcharge under RCW 82.50.510 shall be deposited into the fund as provided in those sections.

Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for transportation purposes.

(2) There is hereby created the central Puget Sound public transportation account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(b) shall be expended within the three county region from which the funds are derived, solely for:

(a) Development of high capacity transportation systems as defined in section 22, chapter __ (House Bill No. 1825), Laws of 1990;

(b) Development of high occupancy vehicle lanes and related facilities as defined in section 13, chapter __ (House Bill No. 1825), Laws of 1990; and

(c) Public transportation system contributions required to fund projects approved by the transportation improvement board.

(3) There is hereby created the public transportation systems account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(c) shall be available to the public transportation system from which the funds are derived, solely for:

(a) Development of high capacity transportation systems as defined in section 22, chapter __ (House Bill No. 1825), Laws of 1990;

(b) Development of high occupancy vehicle lanes and related facilities as defined in section 13, chapter __ (House Bill No. 1825), Laws of 1990;

(c) Other public transportation system-related roadway projects on state highways, county roads, or city streets; and

(d) Public transportation system contributions required to fund projects approved by the transportation improvement board.

Sec. 313. Section 21, chapter 49, Laws of 1982 1st ex. sess. as last amended by section 82, chapter 57, Laws of 1985 and RCW 82.14.200 are each amended to read as follows:

There is created in the state treasury a special account to be known as the "county sales and use tax equalization account." Into this account shall be placed a portion of all motor vehicle excise tax receipts as provided in RCW ((~~82.44.50(2)~~) 82.44.110(6)). Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to April 1st of each year the director of revenue shall inform the state treasurer of the total and the per capita levels of revenues for the unincorporated area of each county and the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than one hundred fifty thousand dollars from the tax for the previous calendar year, an amount from the county sales and

use tax equalization account sufficient, when added to the amount of revenues received the previous calendar year by the county, to equal one hundred fifty thousand dollars.

The department of revenue shall establish a governmental price index as provided in this subsection. The base year for the index shall be the end of the third quarter of 1982. Prior to November 1, 1983, and prior to each November 1st thereafter, the department of revenue shall establish another index figure for the third quarter of that year. The department of revenue may use the implicit price deflators for state and local government purchases of goods and services calculated by the United States department of commerce to establish the governmental price index. Beginning on January 1, 1984, and each January 1st thereafter, the one hundred fifty thousand dollar base figure in this subsection shall be adjusted in direct proportion to the percentage change in the governmental price index from 1982 until the year before the adjustment. Distributions made under this subsection for 1984 and thereafter shall use this adjusted base amount figure.

(3) Subsequent to the distributions under subsection (2) of this section and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties as determined by the department of revenue under subsection (1) of this section, an amount from the county sales and use tax equalization account sufficient, when added to the per capita level of revenues for the unincorporated area received the previous calendar year by the county, to equal seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties determined under subsection (1) of this section, subject to reduction under subsections (6) and (7) of this section. When computing distributions under this section, any distribution under subsection (2) of this section shall be considered revenues received from the tax imposed under RCW 82.14.030(1) for the previous calendar year.

(4) Subsequent to the distributions under subsection (3) of this section and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (2) of this section, a third distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (2) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the total distribution under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) Subsequent to the distributions under subsection (4) of this section and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a fourth distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (3) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the distributions under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(6) Revenues distributed under this section in any calendar year shall not exceed an amount equal to seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties during the previous calendar year. If distributions under subsections (3) through (5) of this section cannot be made because of this limitation, then distributions under subsections (3) through (5) of this section shall be reduced ratably among the qualifying counties.

(7) If inadequate revenues exist in the county sales and use tax equalization account to make the distributions under subsections (3) through (5) of this section, then the distributions under subsections (3) through (5) of this section shall be reduced ratably among the qualifying counties. At such time during the year as additional funds accrue to the county sales and use tax equalization account, additional distributions shall be made under subsections (3) through (5) of this section to the counties.

(8) If the level of revenues in the county sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (5) of this section, then the additional revenues shall be credited and transferred to the state general fund.

(9) All earnings of investments of balances in the county sales and use tax equalization account shall be credited to the general fund.

Sec. 314. Section 22, chapter 49, Laws of 1982 1st ex. sess. as last amended by section 83, chapter 57, Laws of 1985 and RCW 82.14.210 are each amended to read as follows:

There is created in the state treasury a special account to be known as the "municipal sales and use tax equalization account." Into this account shall be placed such revenues as are provided under RCW ~~((82.44.150(3)(b)))~~ 82.44.110(5). Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to April 1st of each year the director of revenue shall inform the state treasurer of the total and the per capita levels of revenues for each city and the state-wide weighted average per capita level of revenues for all cities imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each city not imposing the sales and use tax under RCW 82.14.030(2) an amount from the municipal sales and use tax equalization account equal to the amount distributed to the city under ~~((RCW 82.44.150(3)(a)))~~ section 309 of this act multiplied by thirty-five sixty-fifths.

(3) Subsequent to the distributions under subsection (2) of this section, and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the state-wide weighted average per capita level of revenues for all cities as determined by the department of revenue under subsection (1) of this section, an amount from the municipal sales and use tax equalization account sufficient, when added to the per capita level of revenues received the previous calendar year by the city, to equal seventy percent of the state-wide weighted average per capita level of revenues for all cities determined under subsection (1) of this section, subject to reduction under subsection (5) of this section.

(4) Subsequent to the distributions under subsection (3) of this section, and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a third distribution from the municipal sales and use tax equalization account. The distribution to each qualifying city shall be equal to the distribution to the city under subsection (3) of this section, subject to the reduction under subsection (5) of this section. To qualify for the distributions under this subsection, the city must impose the tax under RCW 82.14.030(2) for the entire calendar year. Cities imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) If inadequate revenues exist in the municipal sales and use tax equalization account to make the distributions under subsection (3) or (4) of this section, then the distributions under subsection (3) or (4) of this section shall be reduced ratably among the qualifying cities. At such time during the year as additional funds accrue to the municipal sales and use tax equalization account, additional distributions shall be made under subsections (3) and (4) of this section to the cities.

(6) If the level of revenues in the municipal sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (4) of this section, then the additional revenues shall be apportioned among the several cities within the state ratably on the basis of population as last determined by the office of financial management: PROVIDED, That no such distribution shall be made to those cities receiving a distribution under subsection (2) of this section.

(7) For a city or town initially incorporated on or after January 1, 1983, at the time distributions are made under subsection (3) of this section, the state treasurer shall place into a separate designated account for such city or town a pro rata amount of the revenues received under RCW ~~((82.44.150(3)(b)))~~ 82.44.110(5) equal to the city's or town's population multiplied by the amount of equalization funds to which the city or town would be entitled if its per capita yield the previous calendar year were zero. Such account shall take effect on January 1st of the first full calendar year during which the city or town imposes the taxes authorized by RCW 82.14.030(1) and shall cease to exist on December 31st of that year.

(8) All earnings of investments of balances in the municipal sales and use tax equalization account shall be credited to the general fund.

At the time that sales and use tax distributions are made pursuant to RCW 82.14.060, the revenues in such designated account shall be added to the city's or town's sales and use tax distributions so as to provide to such city or town an amount which reflects what such jurisdiction's entitlement from the municipal sales and use tax equalization account would have been if the actual distributions of sales and use tax revenues to such city or town had been received the previous full calendar year. Any excess revenues remaining in such designated account upon its expiration shall be apportioned according to subsection (6) of this section. If the department of revenue determines during the year that any funds in the designated account are not necessary for the purposes of distribution under this subsection, the department may deposit those funds in the municipal sales and use tax equalization account to be apportioned according to subsection (6) of this section.

Sec. 315. Section 7, chapter 270, Laws of 1975 1st ex. sess. as last amended by section 46, chapter 167, Laws of 1983 and RCW 35.58.2721 are each amended to read as follows:

(1) In addition to any other authority now provided by law, and subject only to constitutional limitations, the governing body of any municipality shall be authorized to acquire, construct, operate, and maintain a public transportation system and additions and betterments thereto, and to issue general obligation bonds for public mass transportation capital purposes including but not limited to replacement of equipment: PROVIDED, That the general indebtedness incurred under this section when considered together with all the other outstanding general indebtedness of the municipality shall not exceed the amounts of indebtedness authorized by chapter 39.36 RCW and chapter 35.58 RCW, as now or hereafter amended, to be incurred without and with the assent of the voters. Such bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.

~~((Upon July 1, 1975 any such municipality is authorized to pledge that the taxes authorized, levied and collected to pay or secure the payment of any bonds issued after July 1, 1975 for authorized public transportation purposes shall continue to be levied, collected and applied until such bonds shall have been paid or sufficient funds for such payment shall have been duly provided and irrevocably set aside by the issuer for such payment. If any of the revenue from any tax or surcharge authorized by this or any other chapter shall have been pledged to secure the payment of any bonds as herein authorized, then as long as that pledge shall be in effect the legislature shall not withdraw the authority to levy and collect the tax.))~~ Any municipality is authorized to pledge for the payment or security of the principal of and interest on any bonds issued for authorized public transportation purposes all or any portion of any taxes authorized to be levied by the issuer, including, but not limited to, the local sales and use tax authorized pursuant to RCW 82.14.045, as now or hereafter amended. ~~((The preceding sentence notwithstanding, not more than ten percent of the motor vehicle excise taxes levied and collected pursuant to RCW 35.58.273 may be pledged for the payment or security of the principal of and interest on any bonds issued for authorized public transportation purposes after July 1, 1975 but before May 14, 1979, and))~~ No motor vehicle excise taxes under RCW 35.58.273 may be pledged for bonds ~~((issued on or after May 14, 1979))~~.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.

Sec. 316. Section 8, chapter 255, Laws of 1969 ex. sess. as last amended by section 2, chapter 428, Laws of 1987 and RCW 35.58.273 are each amended to read as follows:

(1) Through June 30, 1992, any municipality within a class AA county, or within a class A county contiguous to a class AA county, or within a second class county contiguous to a class A county that is contiguous to a class AA county is authorized to levy and collect a special excise tax not exceeding ((ninety six one hundredths of one)) .7824 percent and beginning July 1, 1992, .725 percent on the fair market value of every motor vehicle owned by a resident of such municipality for the privilege of using such motor vehicle provided that in no event shall the tax be less than one dollar and, subject to RCW 82.44.150 (5) and (6), the amount of such tax shall be credited against the amount of the excise tax levied by the state under RCW 82.44.020.

(2) Through June 30, 1992, any other municipality is authorized to levy and collect a special excise tax not exceeding ((one)) .815 percent, and beginning July 1, 1992, .725 percent on the fair market value of every motor vehicle owned by a resident of such municipality for the privilege of using such motor vehicle provided that in no event shall the tax be less than one dollar and, subject to RCW 82.44.150 ((5) and (6)) (3) and (4), the amount of such tax shall be credited against the amount of the excise tax levied by the state under RCW 82.44.020~~((PROVIDED, That))~~. Before utilization of any excise tax moneys collected under authorization of this section for acquisition of right of way or construction of a mass transit facility on a separate right of way the municipality shall adopt rules affording the public an opportunity for "corridor public hearings" and "design public hearings" as herein defined, which rule shall provide in detail the procedures necessary for public participation in the following instances: (a) prior to adoption of location and design plans having a substantial social, economic or environmental effect upon the locality upon which they are to be constructed or (b) on such mass rapid transit systems operating on a separate right of way whenever a substantial change is proposed relating to location or design in the adopted plan. In adopting rules the municipality shall adhere to the provisions of the Administrative Procedure Act.

(3) A "corridor public hearing" is a public hearing that: (a) is held before the municipality is committed to a specific mass transit route proposal, and before a route location is established; (b) is held to afford an opportunity for participation by those interested in the determination of the need for, and the location of, the mass rapid transit system; (c) provides a public forum that affords a full opportunity for presenting views on the mass rapid transit system route location, and the social, economic and environmental effects on that location and alternate locations: PROVIDED, That such hearing shall not be deemed to be necessary before adoption of an overall mass rapid transit system plan by a vote of the electorate of the municipality.

(4) A "design public hearing" is a public hearing that: (a) is held after the location is established but before the design is adopted; and (b) is held to afford an opportunity for participation by those interested in the determination of major design features of the mass rapid transit system; and (c) provides a public forum to afford a full opportunity for presenting views

on the mass rapid transit system design, and the social, economic, environmental effects of that design and alternate designs.

Sec. 317. Section 43.62.010, chapter 8, Laws of 1965 as last amended by section 127, chapter 151, Laws of 1979 and RCW 43.62.010 are each amended to read as follows:

If the state or any of its political subdivisions, or other agencies, use the population studies services of the office of financial management or the successor thereto, the state, its political subdivision, or other agencies utilizing such services shall pay for the cost of rendering such services. Expenditures shall be paid out of funds allocated to cities and towns under (~~RCW 82.44.150, as derived from section 5, chapter 152, Laws of 1945;~~) section 309 of this act and shall be paid from said fund before any allocations or payments are made to cities and towns under (~~said act~~) section 309 of this act.

Sec. 318. Section 111, chapter 7, Laws of 1985 as amended by section 1, chapter 240, Laws of 1989 and RCW 46.16.015 are each amended to read as follows:

(1) Neither the department of licensing nor its agents may issue or renew a motor vehicle license for any vehicle registered in an emission contributing area, as that area is established under chapter 70.120 RCW, for any year in which the vehicle is required to be tested under chapter 70.120 RCW, unless the application for issuance or renewal is: (a) Accompanied by a valid certificate of compliance or a valid certificate of acceptance issued pursuant to chapter 70.120 RCW; or (b) exempted from this requirement pursuant to subsection (2) of this section. The certificates must have a date of validation which is within ninety days of the date of application for the vehicle license or license renewal. Certificates for fleet vehicles may have a date of validation which is within twelve months of the assigned license renewal date.

(2) Subsection (1) of this section does not apply to the following vehicles:

(a) New motor vehicles whose equitable or legal title has never been transferred to a person who in good faith purchases the vehicle for purposes other than resale;

(b) Motor vehicles with a model year of 1967 or earlier;

(c) Motor vehicles that use propulsion units powered exclusively by electricity;

(d) Motor vehicles fueled exclusively by propane, compressed natural gas, or liquid petroleum gas, unless it is determined that federal sanctions will be imposed as a result of this exemption;

(e) Motorcycles as defined in RCW 46.04.330 and motor-driven cycles as defined in RCW 46.04.332;

(f) Motor vehicles powered by diesel engines;

(g) Farm vehicles as defined in RCW 46.04.181;

(h) Used vehicles which are offered for sale by a motor vehicle dealer licensed under chapter 46.70 RCW; or

(i) Motor vehicles exempted by the director of the department of ecology.

The provisions of subparagraph (a) of this subsection may not be construed as exempting from the provisions of subsection (1) of this section applications for the renewal of licenses for motor vehicles that are or have been leased.

(3) The department of licensing shall mail to each owner of a vehicle registered within an emission contributing area a notice regarding the boundaries of the area and restrictions established under this section that apply to vehicles registered in such areas. The information for the notice shall be supplied to the department of licensing by the department of ecology. (~~Such a notice shall be mailed to the owner ninety days prior to the expiration date of the owner's motor vehicle license.~~) The department of licensing shall send to all registered motor vehicle owners who reside within the emissions area notice that they must have an emission test to renew their registration.

Sec. 319. Section 31, chapter 35, Laws of 1982 1st ex. sess. as last amended by section 4, chapter 80, Laws of 1987, section 15, chapter 472, Laws of 1987, and by section 6, chapter 9, Laws of 1987 1st ex. sess. and RCW 82.02.030 are each reenacted and amended to read as follows:

(1) The rate of the additional taxes under RCW 54.28.020(2), 54.28.025(2), 66.24.210(2), 66.24.290(2), 82.04.2901, 82.16.020(2), 82.26.020(2), 82.27.020(5), and 82.29A.030(2)(~~and 82.44.020(6))~~) shall be seven percent; and

(2) The rate of the additional taxes under RCW 82.08.150(4) shall be fourteen percent.

Sec. 320. Section 55, chapter 299, Laws of 1971 ex. sess. as last amended by section 1, chapter 123, Laws of 1979 and RCW 82.50.400 are each amended to read as follows:

An annual excise tax is imposed on the owner of any travel trailer or camper for the privilege of using such travel trailer or camper in this state. The excise tax hereby imposed shall be due and payable to the department of licensing or its agents at the time of registration of a travel trailer or camper. Whenever an application is made to the department of licensing or its agents for a license for a travel trailer or camper there shall be collected, in addition to the amount of the license fee or renewal license fee, the amount of the excise tax imposed by this chapter (~~prorated to comply with the effective date of the annual schedule prepared pursuant to RCW 82.44.040~~), and no dealer's license or license plates, and no license or license plates for a travel trailer or camper may be issued unless such tax is paid in full. No additional tax shall

be imposed under this chapter upon any travel trailer or camper upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such travel trailer or camper has already been paid for the registration year or fractional part thereof in which such transfer occurs.

Sec. 321. Section 56, chapter 299, Laws of 1971 ex. sess. as last amended by section 2, chapter 123, Laws of 1979 and RCW 82.50.410 are each amended to read as follows:

The rate and measure of tax imposed by this chapter for each registration year shall be one percent, and a surcharge of one-tenth of one percent, of the ((fair market)) value of the travel trailer or camper, as determined in the manner provided in this chapter: PROVIDED, That the excise tax upon a travel trailer or camper licensed for the first time in this state after the last day of any registration month may only be levied for the remaining months of the registration year including the month in which the travel trailer or camper is first licensed: PROVIDED FURTHER, That the minimum amount of tax payable shall be two dollars: PROVIDED FURTHER, That every dealer in mobile homes or travel trailers, for the privilege of using any mobile home or travel trailer eligible to be used under a dealer's license plate, shall pay an excise tax of two dollars, and such tax shall be collected upon the issuance of each original dealer's license plate, and also a similar tax shall be collected upon the issuance of each dealer's duplicate license plate, which taxes shall be in addition to any tax otherwise payable under this chapter.

A travel trailer or camper shall be deemed licensed for the first time in this state when such vehicle was not previously licensed by this state for the registration year or any part thereof immediately preceding the registration year in which application for license is made or when it has been registered in another jurisdiction subsequent to any prior registration in this state.

Sec. 322. Section 66, chapter 299, Laws of 1971 ex. sess. as amended by section 1, chapter 75, Laws of 1975-'76 2nd ex. sess. and RCW 82.50.510 are each amended to read as follows:

The county auditor shall regularly, when remitting motor vehicle excise taxes, pay to the state treasurer the excise taxes collected under this chapter. The treasurer shall then distribute such funds quarterly on the first day of the month of January, April, July and October of each year in the following amount: (1) For the one percent tax imposed under RCW 82.50.410, fifteen percent to cities and towns for the use thereof apportioned ratably among such cities and towns on the basis of population; fifteen percent to counties for the use thereof to be apportioned ratably among such counties on the basis of moneys collected in such counties from the excise taxes imposed under this chapter; and seventy percent for schools to be deposited in the state general fund; and (2) for the one-tenth of one percent surcharge imposed under RCW 82.50.410, one hundred percent to the transportation fund created in section 312 of this act.

NEW SECTION. Sec. 323. A new section is added to chapter 82.50 RCW to read as follows:

For the purpose of determining the tax under this chapter, the value of a travel trailer or camper is the manufacturer's base suggested retail price of the travel trailer or camper when first offered for sale as new, excluding any optional equipment, applicable federal excise taxes, state and local sales or use taxes, transportation or shipping costs, or preparatory or delivery costs, multiplied by the applicable percentage listed in this section based on the year of service.

If the manufacturer's base suggested retail price is unavailable or otherwise unascertainable at the time of initial registration in this state, the department shall determine a value equivalent to a manufacturer's base suggested retail price as follows:

(1) The department shall determine a value using any information that may be available, including any guidebook, report, or compendium of recognized standing in the automotive industry or the selling price and year of sale of the travel trailer or camper. The department may use an appraisal by the county assessor. In valuing a travel trailer or camper for which the current value or selling price is not indicative of the value of similar travel trailers or campers of the same year and model, the department shall establish a value that more closely represents the average value of similar travel trailers or campers of the same year and model. If the travel trailer or camper is home-built, the value shall not be less than the cost of construction.

(2) The value determined in subsection (1) of this section shall be divided by the applicable percentage listed in this section to establish a value equivalent to a manufacturer's base suggested retail price. The applicable percentage shall be based on the year of service of the travel trailer or camper for which the value is determined.

| YEAR OF SERVICE | PERCENTAGE |
|-----------------|------------|
| 1 | 100 |
| 2 | 90 |
| 3 | 84 |
| 4 | 79 |
| 5 | 73 |
| 6 | 65 |
| 7 | 60 |
| 8 | 55 |

| | |
|-------------|----|
| 9 | 50 |
| 10 | 45 |
| 11 | 41 |
| 12 | 37 |
| 13 | 33 |
| 14 | 28 |
| 15 | 24 |
| 16 or older | 20 |

NEW SECTION. Sec. 324. A new section is added to chapter 82.50 RCW to read as follows:

If the department determines a value for a travel trailer or camper under section 323 of this act equivalent to a manufacturer's base suggested retail price, any person who pays the tax for that travel trailer or camper may appeal the valuation to the department under chapter 34.05 RCW. If the taxpayer is successful on appeal, the department shall refund the excess tax in the manner provided in RCW 82.50.170.

Sec. 325. Section 7, chapter 91, Laws of 1975 '76 2nd ex. sess. as amended by section 7, chapter 32, Laws of 1980 and RCW 46.12.360 are each amended to read as follows:

A vehicle owner shall be reimbursed from the motor vehicle fund when: (1) ~~((Hts))~~ The vehicle identification number was physically inspected and verified pursuant to RCW 46.12.030(3); and (2) the vehicle is determined subsequently to have been reported stolen at the time of the inspection. Such reimbursement shall be for the value of the vehicle ~~((as determined by criteria set forth in RCW 82.44.040))~~; PROVIDED, That no claim shall be allowed under this section following a satisfactory showing by the department that errors, omissions, or transpositions were made in entering the vehicle's identity in the stolen vehicle file.

NEW SECTION. Sec. 326. Notwithstanding any other provision of this act, motor vehicles and travel trailers and campers that are valued under the system in effect before the effective date of this section shall be valued by using the initial valuation of the vehicle under chapter 82.44 or 82.50 RCW multiplied by the applicable percentage under section 303 or 323 of this act. Before December 1992 vehicle license expirations, no tax may be imposed on any motor vehicle or travel trailer or camper that is greater than one hundred ten percent of the tax imposed during the registration period in effect before the effective date of this section.

NEW SECTION. Sec. 327. Distributions under RCW 82.44.150 for excise taxes collected under RCW 35.58.273, before September 1, 1990, shall be under the provisions of RCW 82.44.150 as it existed before September 1, 1990.

NEW SECTION. Sec. 328. The following acts or parts of acts are each repealed:

- (1) Section 6, chapter 200, Laws of 1983 and RCW 82.44.013;
- (2) Section 82.44.040, chapter 15, Laws of 1961, section 94, chapter 278, Laws of 1975 1st ex. sess., section 12, chapter 118, Laws of 1975 1st ex. sess., section 231, chapter 158, Laws of 1979 and RCW 82.44.040;
- (3) Section 52, chapter 299, Laws of 1971 ex. sess., section 13, chapter 118, Laws of 1975 1st ex. sess., section 232, chapter 158, Laws of 1979 and RCW 82.44.045;
- (4) Section 82.44.050, chapter 15, Laws of 1961, section 3, chapter 199, Laws of 1963, section 11, chapter 222, Laws of 1981 and RCW 82.44.050;
- (5) Section 57, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.420; and
- (6) Section 58, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.430.

PART IV: MISCELLANEOUS

Sec. 401. Section 1, chapter 131, Laws of 1979 and RCW 47.56.711 are each amended to read as follows:

~~((In order to permit the construction of a new))~~ The state highway bridge across the Spokane river in the vicinity of Trent Avenue in Spokane ~~((the department of transportation acting through the transportation commission is authorized to enter into a contract or contracts with the Washington public employees' retirement system and the Washington state teachers' retirement system, each retirement system acting through the department of retirement systems, pursuant to which the state may issue refunding bonds to be exchanged for all outstanding Spokane river toll bridge revenue bonds held by the retirement systems in return for the agreement by the retirement systems to permit the construction of a new state highway bridge, to))~~ shall be known and designated as the James E. Keefe bridge ~~((across the Spokane river in the vicinity of Trent Avenue in Spokane. If the department of transportation and those retirement systems enter into such contract or contracts, the state finance committee is authorized to issue refunding bonds in accordance with RCW 47.56.711 through 47.56.716 to carry out the terms of such contract or contracts))~~.

After the effective date of this section, ownership of the Spokane river toll bridge, known as the Maple Street bridge, shall revert to the city of Spokane.

NEW SECTION. Sec. 402. The city of Spokane shall be responsible for operating and maintaining the Spokane river toll bridge and the surrounding area except:

- (1) The department of transportation shall remove the toll booths and restripe the approaches, as necessary, once the tolls have been removed.
- (2) The department of transportation shall replace the bridge deck and upgrade the approaches. In order to accomplish this activity, the department of transportation shall pursue

federal bridge replacement funds and the city of Spokane shall contribute three hundred thousand dollars towards the required matching funds.

NEW SECTION. Sec. 403. The following acts or parts of acts are each repealed:

- (1) Section 2, chapter 131, Laws of 1979 and RCW 47.56.712;
- (2) Section 3, chapter 131, Laws of 1979 and RCW 47.56.713;
- (3) Section 4, chapter 131, Laws of 1979 and RCW 47.56.714;
- (4) Section 5, chapter 131, Laws of 1979 and RCW 47.56.715; and
- (5) Section 6, chapter 131, Laws of 1979 and RCW 47.56.716.

NEW SECTION. Sec. 404. The state treasurer shall transfer all remaining funds in the Spokane river toll bridge revenue account to the motor vehicle fund to be used for the following purposes:

- (1) Repay existing loans from the motor vehicle fund to the Spokane river toll bridge revenue account in the amount of six hundred sixteen thousand two dollars and thirty-three cents;
- (2) Fund removal of toll booths and associated repairs on the Spokane river toll bridge; and
- (3) Fund preliminary engineering of the bridge deck replacement on the Spokane river toll bridge.

Any remaining funds are reserved to provide matching funds for federal bridge replacement funds to replace the bridge deck in the 1991-93 biennium.

Sec. 405. Section 47.60.150, chapter 13, Laws of 1961 as last amended by section 1, chapter 23, Laws of 1986 and by section 2, chapter 66, Laws of 1986 and RCW 47.60.150 are each reenacted and amended to read as follows:

Subject to the provisions of RCW 47.60.326, the schedule of charges for the services and facilities of the system shall be fixed and revised from time to time by the commission so that the tolls and revenues collected together with any moneys in the Puget Sound ferry operations account (~~(appropriated)~~) transferred to the ferry system revolving account for maintenance and operation, and all moneys in the Puget Sound capital construction account available for debt service will yield annual revenue and income sufficient, after allowance for all operating, maintenance, and repair expenses to pay the interest and principal and sinking fund charges for all outstanding revenue bonds, and to create and maintain a fund for ordinary renewals and replacements: PROVIDED, That if provision is made by any resolution for the issuance of revenue bonds for the creation and maintenance of a special fund for rehabilitating, rebuilding, enlarging, or improving all or any part of the ferry system then such schedule of tolls and rates of charges shall be fixed and revised so that the revenue and income will also be sufficient to comply with such provision.

All income and revenues as collected shall be paid to the state treasurer for the account of the department as a separate trust fund and to be segregated and disbursed upon order of the department: PROVIDED, That the fund so segregated and set apart for the payment of the revenue bonds may be remitted to and held by a designated trustee in such manner and with such collateral as may be provided in the resolution authorizing the issuance of said bonds. No expenditure may be made from the revenue fund established under this section and the bond resolution without an appropriation by law. Nothing in this section requires tolls on the Hood Canal bridge except as may be required by any bond covenants.

Sec. 406. Section 5, chapter 344, Laws of 1981 as amended by section 25, chapter 15, Laws of 1983 and RCW 47.60.326 are each amended to read as follows:

(1) In order to maintain an adequate, fair, and economically sound schedule of charges for the transportation of passengers, vehicles, and commodities on the Washington state ferries, ~~((including the Hood Canal bridge.))~~ the department of transportation each year shall conduct a full review of such charges.

(2) Prior to February 1st of each odd-numbered year the department shall transmit to the transportation commission a report of its review together with its recommendations for the revision of a schedule of charges for the ensuing biennium. The commission on or before July 1st of that year shall adopt as a rule, in the manner provided by the Washington administrative procedure act, a schedule of charges for the Washington state ferries for the ensuing biennium commencing July 1st. The schedule may initially be adopted as an emergency rule if necessary to take effect on, or as near as possible to, July 1st.

(3) The department in making its review and formulating recommendations and the commission in adopting a schedule of charges may consider any of the following factors:

- (a) The amount of subsidy available to the ferry system for maintenance and operation;
- (b) The time and distance of ferry runs;
- (c) The maintenance and operation costs for ferry runs with a proper adjustment for higher costs of operating outmoded or less efficient equipment;
- (d) The efficient distribution of traffic between cross-sound routes;
- (e) The desirability of reasonable commutation rates for persons using the ferry system to commute daily to work;
- (f) The effect of proposed fares in increasing walk-on and vehicular passenger use;
- (g) The effect of proposed fares in promoting all types of ferry use during nonpeak periods;
- (h) Such other factors as prudent managers of a major ferry system would consider.

(4) If at any time during the biennium it appears that projected toll revenues from the ferry system, together with the ~~((appropriation))~~ transfer from the Puget Sound ferry operations account to the ferry system revolving account and any other operating subsidy available to the Washington state ferries, will be less than the projected total cost of maintenance and operation of the Washington state ferries for the biennium, the department shall forthwith undertake a review of its schedule of charges to ascertain whether or not the schedule of charges should be revised. The department shall, upon completion of its review report, submit its recommendation to the transportation commission which may in its sound discretion revise the schedule of charges as required to meet necessary maintenance and operation expenditures of the ferry system for the biennium or may defer action until the regular annual review and revision of ferry charges as provided in subsection (2) of this section.

(5) The provisions of RCW 47.60.330 relating to public participation shall apply to the process of revising ferry tolls under this section.

Sec. 407. Section 3, chapter 9, Laws of 1961 ex. sess. as last amended by section 4, chapter 66, Laws of 1986 and RCW 47.60.420 are each amended to read as follows:

To the extent that all revenues from the Washington state ferry system ~~((and the Hood Canal bridge))~~ available therefor are insufficient to provide for the payment of principal and interest on the bonds authorized and issued under RCW 47.60.400 through 47.60.470 and for sinking fund requirements established with respect thereto and for payment into such reserves as the department has established with respect to the securing of the bonds, there is imposed a first and prior charge against the Puget Sound capital construction account of the motor vehicle fund created by RCW 47.60.505 and, to the extent required, against all revenues required by RCW 46.68.100 to be deposited in the Puget Sound capital construction account.

To the extent that the revenues from the Washington state ferry system ~~((and the Hood Canal bridge))~~ available therefor are insufficient to meet required payments of principal and interest on bonds, sinking fund requirements, and payments into reserves, the department shall use moneys in the Puget Sound capital construction account for such purpose. ~~((Any moneys from the Puget Sound capital construction account used by the department to pay the obligations shall be repaid by the department to the motor vehicle fund from tolls of the Washington state ferry system and the Hood Canal bridge, and tolls shall be continued for any required additional length of time necessary for this purpose.))~~

Sec. 408. Section 5, chapter 9, Laws of 1961 ex. sess. as last amended by section 6, chapter 66, Laws of 1986 and RCW 47.60.440 are each amended to read as follows:

The Washington state ferry system shall be efficiently managed, operated, and maintained as a revenue-producing undertaking. Subject to the provisions of RCW 47.60.326 the commission shall maintain and revise from time to time as necessary a schedule of tolls and charges on said ferry system and, if necessary to comply with bond covenants, on the Hood Canal bridge which together with any moneys in the Puget Sound ferry operations account ~~((appropriated))~~ transferred to the ferry system revolving account for maintenance and operation and all moneys in the Puget Sound capital construction account available for debt service will produce net revenue available for debt service, in each fiscal year, in an amount at least equal to minimum annual debt service requirements as hereinafter provided. Minimum annual debt service requirements as used in this section shall include required payments of principal and interest, sinking fund requirements, and payments into reserves on all outstanding revenue bonds authorized by RCW 47.60.400 through 47.60.470.

The provisions of law relating to the revision of tolls and charges to meet minimum annual debt service requirements from net revenues as required by this section shall be binding upon the commission but shall not be deemed to constitute a contract to that effect for the benefit of the holders of such bonds.

NEW SECTION. Sec. 409. A new section is added to chapter 47.60 RCW to read as follows:

Notwithstanding the provisions of RCW 47.56.240 and 47.56.245 the transportation commission shall not collect tolls on the Hood Canal bridge for any purpose except where necessary to comply with bond covenants.

The cost of maintenance, upkeep, and repair may be paid from funds appropriated for the construction and maintenance of the primary state highways of the state of Washington.

NEW SECTION. Sec. 410. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 10, Laws of 1961, section 7, chapter 9, Laws of 1961 ex. sess. and RCW 47.56.365;

(2) Section 47.60.160, chapter 13, Laws of 1961, section 312, chapter 7, Laws of 1984 and RCW 47.60.160; and

(3) Section 7, chapter 27, Laws of 1979 and RCW 47.60.543.

NEW SECTION. Sec. 411. A new section is added to chapter 46.68 RCW to read as follows:

(1) The Puyallup tribal settlement account is hereby created in the motor vehicle fund. All moneys designated by the "Agreement between the Puyallup Tribe of Indians, local governments in Pierce county, the state of Washington, the United States of America, and certain private property owners," dated August 27, 1988, (the "agreement") for use by the department of transportation on the Blair project as described in the agreement shall be deposited into the

account, including but not limited to federal appropriations for the Blair project, and appropriations contained in section 34, chapter 6, Laws of 1989 1st ex. sess. and section 709, chapter 19, Laws of 1989 1st ex. sess.

(2) All moneys deposited into the account shall be expended by the department of transportation pursuant to appropriation solely for the Blair project as described in the agreement.

(3) All earnings of investments of balances in the account shall be credited to the account.

PART V: TECHNICAL PROVISIONS

NEW SECTION. Sec. 501. Sections 201, 206, and 208 through 214 of this act shall constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 502. The index and part and section headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 503. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 504. (1) Sections 101 through 104, 115 through 117, 201 through 214, 405 through 411, and 503 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect April 1, 1990.

(2) Sections 105 through 114 of this act shall take effect September 1, 1990. The additional fees in sections 105 through 108 of this act apply for all motor vehicle registrations that expire August 31, 1992, and thereafter.

(3) Sections 301 through 303 and 305 through 328 of this act shall take effect September 1, 1990, and apply to the purchase of vehicle registrations that expire August 31, 1991, and thereafter.

(4) Section 304 of this act shall take effect July 1, 1991, and apply to all vehicles registered for the first time with an expiration date of June 30, 1992, and thereafter.

(5) The director of licensing may immediately take such steps as are necessary to ensure that the sections of this act are implemented on their effective dates.

(6) Sections 401 through 404 of this act shall take effect September 1, 1990, only if the bonds issued under RCW 47.56.711 for the Spokane river toll bridge have been retired or fully defeased, and shall become null and void if the bonds have not been retired or fully defeased on that date."

Senator Hansen moved that the following amendments by Senators Hansen, Owen and Madsen to the striking amendment by Senator Patterson be considered simultaneously and be adopted:

On page 9, beginning on line 26, strike all material through "46.68.035." on page 11, line 30, and insert the following:

"Sec. 105. LICENSE FEE ON TRUCKS, BUSES, AND FOR HIRE VEHICLES BASED ON GROSS WEIGHT. Section 1, chapter 156, Laws of 1989 and RCW 46.16.070 are each amended to read as follows:

(1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to the excise tax prescribed in chapter 82.44 RCW and the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight thereof pursuant to the provisions of chapter 46.44 RCW, the following licensing fees by such gross weight:

| | | | | |
|-------------|-------|----|-----------------------|---------------|
| 4,000 lbs. | ..... | \$ | ((28-75)) | <u>35.69</u> |
| 6,000 lbs. | ..... | \$ | ((33-72)) | <u>41.90</u> |
| 8,000 lbs. | ..... | \$ | ((41-30)) | <u>51.38</u> |
| 10,000 lbs. | ..... | \$ | ((46-37)) | <u>57.71</u> |
| 12,000 lbs. | ..... | \$ | ((53-62)) | <u>66.78</u> |
| 14,000 lbs. | ..... | \$ | ((60-86)) | <u>75.83</u> |
| 16,000 lbs. | ..... | \$ | ((68-31)) | <u>85.14</u> |
| 18,000 lbs. | ..... | \$ | ((100-02)) | <u>124.78</u> |
| 20,000 lbs. | ..... | \$ | ((110-94)) | <u>138.43</u> |
| 22,000 lbs. | ..... | \$ | ((119-76)) | <u>149.45</u> |
| 24,000 lbs. | ..... | \$ | ((128-95)) | <u>160.94</u> |
| 26,000 lbs. | ..... | \$ | ((136-08)) | <u>169.75</u> |
| 28,000 lbs. | ..... | \$ | ((159-66)) | <u>199.33</u> |
| 30,000 lbs. | ..... | \$ | ((183-18)) | <u>228.73</u> |
| 32,000 lbs. | ..... | \$ | ((219-78)) | <u>274.38</u> |
| 34,000 lbs. | ..... | \$ | ((233-06)) | <u>291.08</u> |
| 36,000 lbs. | ..... | \$ | ((252-39)) | <u>315.24</u> |
| 38,000 lbs. | ..... | \$ | ((276-51)) | <u>345.39</u> |
| 40,000 lbs. | ..... | \$ | ((315-99)) | <u>394.74</u> |
| 42,000 lbs. | ..... | \$ | ((328-16)) | <u>409.95</u> |

| | | | |
|------------------|----|-------------------------|----------|
| 44,000 lbs. | \$ | ((335.02)) | 418.53 |
| 46,000 lbs. | \$ | ((359.91)) | 449.64 |
| 48,000 lbs. | \$ | ((375.19)) | 468.74 |
| 50,000 lbs. | \$ | ((406.36)) | 507.70 |
| 52,000 lbs. | \$ | ((427.45)) | 534.06 |
| 54,000 lbs. | \$ | ((461.02)) | 576.03 |
| 56,000 lbs. | \$ | ((486.21)) | 607.51 |
| 58,000 lbs. | \$ | ((505.53)) | 631.66 |
| 60,000 lbs. | \$ | ((530.29)) | 672.61 |
| 62,000 lbs. | \$ | ((576.50)) | 720.38 |
| 64,000 lbs. | \$ | ((589.75)) | 736.94 |
| 66,000 lbs. | \$ | ((656.14)) | 819.93 |
| 68,000 lbs. | \$ | ((683.99)) | 854.74 |
| 70,000 lbs. | \$ | ((736.14)) | 919.93 |
| 72,000 lbs. | \$ | ((786.36)) | 982.70 |
| 74,000 lbs. | \$ | ((854.15)) | 1,067.44 |
| 76,000 lbs. | \$ | ((923.05)) | 1,153.56 |
| 78,000 lbs. | \$ | ((1,007.10)) | 1,258.63 |
| 80,000 lbs. | \$ | ((1,086.95)) | 1,358.44 |

~~((The proceeds from such fees shall be distributed in accordance with RCW 46.68.035.~~

~~Effective with motor vehicle licenses that expire in January, 1989, and thereafter, a surcharge of four dollars and seventy-five cents is added to such fees. The proceeds of this surcharge shall be forwarded to the state treasurer to be deposited into the state patrol highway account of the motor vehicle fund.))~~

Every motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle.

The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section:

~~((1))~~ (a) The new license fee will be one-twelfth of the fee listed above for the new gross weight, multiplied by the number of months remaining in the period for which licensing fees have been paid, including the month in which the new gross weight is effective.

~~((2))~~ (b) Upon surrender of the current certificate of registration or cab card, the new licensing fees due shall be reduced by the amount of the licensing fees previously paid for the same period for which new fees are being charged.

(2) The proceeds from the fees collected under subsection (1) of this section shall be distributed in accordance with RCW 46.68.035.

On page 12, beginning on line 25, strike all material through "dollars." on page 16, line 34, and insert the following:

"Sec. 107. SPECIAL PERMITS FOR OVERSIZE OR OVERWEIGHT MOVEMENTS--FEES. Section 2, chapter 137, Laws of 1965 as last amended by section 1, chapter 398, Laws of 1989 and RCW 46.44.0941 are each amended to read as follows:

The following fees, in addition to the regular license and tonnage fees, shall be paid for all movements under special permit made upon state highways. All funds collected, except the amount retained by authorized agents of the department as provided in RCW 46.44.096, shall be forwarded to the state treasury and shall be deposited in the motor vehicle fund:

| | | |
|---|----|-------------------------------|
| All overlegal loads, except overweight, single trip | \$ | 10.00 |
| Continuous operation of overlegal loads having either overwidth or overheight features only, for a period not to exceed thirty days | \$ | 20.00 |
| Continuous operations of overlegal loads having overlength features only, for a period not to exceed thirty days | \$ | 10.00 |
| Continuous operation of a combination of vehicles having one trailing unit that exceeds forty-eight feet and is not more than fifty-six feet in length, for a period of one year | \$ | 100.00 |
| Continuous operation of a combination of vehicles having two trailing units which together exceed sixty feet and are not more than sixty-eight feet in length, for a period of one year | \$ | 100.00 |
| Continuous operation of a three-axle fixed load vehicle having less than 65,000 pounds gross weight, for a period not to exceed thirty days | \$ | ((50.00)) 62.50 |
| Continuous operation of overlegal loads having nonreducible features not to exceed eighty-five feet in length and fourteen feet in width, for a period of one year | \$ | 150.00 |

Continuous operation of farm implements under a permit issued as authorized by RCW 46.44.140 by:

- | | |
|--|----------|
| (1) Farmers in the course of farming activities, for any three-month period | \$ 10.00 |
| (2) Farmers in the course of farming activities, for a period not to exceed one year | \$ 25.00 |
| (3) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for any three-month period | \$ 25.00 |
| (4) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for a period not to exceed one year | \$100.00 |

Overweight Fee Schedule

| Weight over total registered gross weight plus additional gross weight purchased under RCW 46.44.095 or 46.44.047, or any other statute authorizing the state department of transportation to issue annual overweight permits. | Fee per mile on state highways |
|--|--------------------------------|
| 1- 5,999 pounds | \$ ((-65)) .06 |
| 6,000-11,999 pounds | \$ ((-10)) .13 |
| 12,000-17,999 pounds | \$ ((-15)) .19 |
| 18,000-23,999 pounds | \$ ((-25)) .31 |
| 24,000-29,999 pounds | \$ ((-35)) .44 |
| 30,000-35,999 pounds | \$ ((-45)) .56 |
| 36,000-41,999 pounds | \$ ((-60)) .75 |
| 42,000-47,999 pounds | \$ ((-75)) .94 |
| 48,000-53,999 pounds | \$ ((-90)) 1.13 |
| 54,000-59,999 pounds | \$ ((-105)) 1.31 |
| 60,000-65,999 pounds | \$ ((-120)) 1.50 |
| 66,000-71,999 pounds | \$ ((-145)) 1.81 |
| 72,000-79,999 pounds | \$ ((-170)) 2.13 |
| 80,000 pounds or more | \$ ((-200)) 2.50 |

PROVIDED: (1) The minimum fee for any overweight permit shall be \$ ((10.00)) 12.50, (2) the fee for issuance of a duplicate permit shall be \$ ((10.00)) 12.50, (3) when computing overweight fees that result in an amount less than even dollars the fee shall be carried to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under.

Sec. 108. ANNUAL ADDITIONAL TONNAGE PERMITS--FEES. Section 46.44.095, chapter 12, Laws of 1961 as last amended by section 3, chapter 398, Laws of 1989 and RCW 46.44.095 are each amended to read as follows:

When a combination of vehicles has been lawfully licensed to a total gross weight of eighty thousand pounds and when a three or more axle single unit vehicle has been lawfully licensed to a total gross weight of forty thousand pounds pursuant to provisions of RCW 46.44-.041, a permit for additional gross weight may be issued by the department of transportation upon the payment of ~~((thirty-seven dollars and fifty))~~ forty-six dollars and eight-eight cents per year for each one thousand pounds or fraction thereof of such additional gross weight: PROVIDED, That the tire limits specified in RCW 46.44.042 shall apply, and the gross weight on any single axle shall not exceed twenty thousand pounds, and the gross load on any group of axles shall not exceed the limits set forth in RCW 46.44.041: PROVIDED FURTHER, That within the tire limits of RCW 46.44.042, and notwithstanding RCW 46.44.041 and 46.44.091, a permit for an additional six thousand pounds may be purchased for the rear axle of a two-axle garbage truck or eight thousand pounds for the tandem axle of a three axle garbage truck at a rate not to exceed thirty-seven dollars and fifty cents per thousand. Such additional weight in the case of garbage trucks shall not be valid or permitted on any part of the federal interstate highway system.

The annual additional tonnage permits provided for in this section shall be issued upon such terms and conditions as may be prescribed by the department pursuant to general rules adopted by the transportation commission. Such permits shall entitle the permittee to carry such additional load in an amount and upon highways or sections of highways as may be determined by the department of transportation to be capable of withstanding increased gross load without undue injury to the highway: PROVIDED, That the permits ~~((shall))~~ are not ((to)) valid on any highway where the use of such permits would deprive this state of federal funds for highway purposes.

For those vehicles registered under chapter 46.87 RCW, the annual additional tonnage permits provided for in this section may be issued to coincide with the registration year of the base jurisdiction. For those vehicles registered under chapter 46.16 RCW and whose registration has staggered renewal dates, the annual additional tonnage permits may be issued to coincide with the expiration date of the registration. The permits may be purchased at any time, and if they are purchased for less than a full year, the fee shall be one-twelfth of the full fee multiplied by the number of months, including any fraction thereof, covered by the permit.

When the department issues a duplicate permit to replace a lost or destroyed permit and where the department transfers a permit from one vehicle to another a fee of ~~((ten))~~ twelve dollars and fifty cents shall be charged for each duplicate issued or each transfer. The department of transportation shall issue permits on a temporary basis for periods not less than five days at two dollars and fifty cents per day for each two thousand((s)) pounds or fraction thereof.

The fees levied in RCW 46.44.0941 and this section shall not apply to any vehicles owned and operated by the state of Washington, any county within the state, or any city or town or metropolitan municipal corporation within the state, or by the federal government.

In the case of fleets prorating license fees under the provisions of chapter 46.87 RCW, the fees provided for in this section shall be computed by the department of transportation by applying the proportion of the Washington mileage of the fleet in question to the total mileage of the fleet as reported pursuant to chapter 46.87 RCW to the fees that would be required to purchase the additional weight allowance for all eligible vehicles or combinations of vehicles for which the extra weight allowance is requested.

When computing fees that result in an amount other than full dollars, the fee shall be increased to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under. The minimum fee for any prorated tonnage permit issued under this section shall be ~~((twenty-five))~~ thirty-one dollars and twenty-five cents."

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Hansen, Owen and Madsen on page 9, beginning on line 26, and page 12, beginning on line 25, to the striking amendment by Senator Patterson to Substitute Senate Bill No. 6358.

ROLL CALL

The Secretary called the roll and the amendments to the amendment were not adopted by the following vote: Yeas, 19; nays, 30.

Voting yea: Senators Barr, Bauer, Conner, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Rasmussen, Rinehart, Smith, Smitherman, Stratton, Sutherland, von Reichbauer, Warnke - 19.

Voting nay: Senators Amondson, Anderson, Bailey, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Murray, Nelson, Newhouse, Patrick, Patterson, Saling, Sellar, Talmadge, Thorsness, Vognild, West, Williams, Wojahn - 30.

MOTION

Senator Moore moved that the following amendment to the striking amendment by Senator Patterson be adopted:

On page 35, line 6, strike all of NEW SECTION 206 and renumber the remaining sections consecutively

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Moore on page 35, line 6, to the striking amendment by Senator Patterson to Substitute Senate Bill No. 6358.

The motion by Senator Moore failed and the amendment to the striking amendment was not adopted.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Patterson to Substitute Senate Bill No. 6358.

Debate ensued.

The striking amendment by Senator Patterson to Substitute Senate Bill No. 6358 was adopted.

MOTION

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 1 of the title, after "taxes;" strike the remainder of the title and insert "amending RCW 82.36.025, 46.68.090, 36.79.140, 46.16.070, 46.68.035, 46.44.0941, 46.44.095, 46.68-.030, 46.16.030, 46.87.020, 46.87.070, 46.87.120, 46.87.140, 46.09.170, 43.99.070, 46.10.170, 82.36.030, 82.38.150, 82.36.440, 82.38.280, 46.08.010, 82.44.010, 82.44.020, 82.44.060, 82.44.110, 82.44.120, 82.44.150, 82.44.160, 82.44.170, 82.14.200, 82.14.210, 35.58.2721, 35.58.273, 43.62.010, 46.16.015, 82.50.400, 82.50.410, 82.50.510, 46.12.360, 47.56.711, 47.60.326, 47.60.420, and 47.60.440; reenacting and amending RCW 82.02.030 and 47.60.150; adding new sections to chapter 46.68 RCW:

adding a new section to chapter 47.60 RCW; adding new sections to chapter 82.44 RCW; adding new sections to chapter 82.50 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 82.44.013, 82.44.040, 82.44.045, 82.44.050, 82.50.420, 82.50.430, 47.56.712, 47.56.713, 47.56.714, 47.56.715, 47.56.716, 47.56.365, 47.60.160, and 47.60.543; providing effective dates; and declaring an emergency."

MOTION

On motion of Senator Patterson, Engrossed Substitute Senate Bill No. 6358 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Nelson: "Senator Patterson, Sections 209 and 210 of this measure call for a local option street and utility tax. Could you explain whether or not a city in imposing the local utility tax could impose the tax in just a portion of a city or must the city impose the street utility tax in a uniform fashion throughout the city?"

Senator Patterson: "Senator Nelson, the street utility charge must be applied uniformly throughout an entire city or town that elects to improve the charge."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6358.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6358 and the bill passed the Senate by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Bailey, Bender, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Hansen, Hayner, Johnson, Lee, Matson, McDonald, McMullen, Murray, Nelson, Niemi, Patrick, Patterson, Sellar, Talmadge, Thorsness, Vognild, West, Wojahn - 25.

Voting nay: Senators Amondson, Anderson, Barr, Bauer, Benitz, Craswell, Gaspard, Kreidler, Madsen, McCaslin, Metcalf, Moore, Newhouse, Owen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, von Reichbauer, Warnke, Williams - 24.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6358, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:20 p.m., on motion of Senator Newhouse, the Senate recessed until 7:00 p.m.

The Senate was called to order at 7:09 p.m. by President Pritchard.

SECOND READING

HOUSE BILL NO. 2542, by Representatives Youngsman, Appelwick, Padden, Locke, Belcher, Doty, Silver, Nealey, Walker, Rector, Dellwo, Bowman, Horn, Rayburn, Miller, Fuhrman, Kremen, Ballard, May, Schoon, Forner, Wood, Tate, Brumsickle, Rasmussen, Cooper and Sprengle

Forfeiting vehicles used in illegal transfers of controlled substances.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, House Bill No. 2542 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2542.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2542 and the bill passed the Senate by the following vote: Yeas, 40; absent, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen,

Rinehart, Saling, Sellar, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 40.

Absent: Senators Conner, Craswell, Kreidler, Madsen, Matson, Owen, Smitherman, Warnke, West - 9.

HOUSE BILL NO. 2542, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Newhouse, the Rules Committee was relieved of further consideration of Substitute House Bill No. 2378.

On motion of Senator Newhouse, the Rules were suspended, Substitute House Bill No. 2378 was advanced to second reading and placed on the second reading calendar.

MOTIONS

On motion of Senator Bender, Senators Kreidler and Warnke were excused.

On motion of Senator Anderson, Senators Craswell, Matson and Patterson were excused.

SECOND READING

HOUSE BILL NO. 2988, by Representatives Locke, Prince, Ferguson, H. Sommers, Anderson, Wineberry and Nelson

Funding low-income housing near the state convention and trade center.

The bill was read the second time.

MOTION

On motion of Senator Nelson, House Bill No. 2988 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Moore: "You are not there yet, Senator Niemi, but when you get along in years sometimes you get a little forgetful and I am wondering if this is the same Mr. Ellis that told us the Convention Center was only going to cost between ninety and ninety-nine million? Is that the same Mr. Ellis to which you just referred?"

Senator Niemi: "Well, it is certainly the same Mr. Ellis that I referred to in the Ways and Means Committee meeting."

Senator Moore: "I see. Well, I wanted to clarify that to be sure. Thank you."

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2988.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2988 and the bill passed the Senate by the following vote: Yeas, 37; nays, 4; absent, 3; excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Sellar, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 37.

Voting nay: Senators McCaslin, Saling, Smith, Stratton - 4.

Absent: Senators Conner, Madsen, Owen - 3.

Excused: Senators Craswell, Kreidler, Matson, Patterson, Warnke - 5.

HOUSE BILL NO. 2988, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2299, by Representatives Crane, Jacobsen, Todd, Heavey, Brekke, P. King and Phillips

Regulating telefacsimile messages for commercial solicitation.

The bill was read the second time.

MOTIONS

On motion of Senator Benitz, the following Committee on Energy and Utilities amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 80.36 RCW to read as follows:

(1) As used in this section, "telefacsimile message" means the transmittal of electronic signals over telephone lines for conversion into written text.

(2) No person, corporation, partnership, or association shall initiate the unsolicited transmission of telefacsimile messages promoting goods or services for purchase by the recipient.

(3) (a) Except as provided in (b) of this subsection, this section shall not apply to telefacsimile messages sent to a recipient with whom the initiator has had a prior contractual or business relationship.

(b) A person shall not initiate an unsolicited telefacsimile message under the provisions of (a) of this subsection if the person knew or reasonably should have known that the recipient is a governmental entity.

(4) Notwithstanding subsection (3) of this section, it is unlawful to initiate any telefacsimile message to a recipient who has previously sent a written or telefacsimile message to the initiator clearly indicating that the recipient does not want to receive telefacsimile messages from the initiator.

(5) The unsolicited transmission of telefacsimile messages promoting goods or services for purchase by the recipient is a matter affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. The transmission of unsolicited telefacsimile messages is not reasonable in relation to the development and preservation of business. A violation of this section is an unfair or deceptive act in trade or commerce for the purpose of applying the consumer protection act, chapter 19.86 RCW. Damages to the recipient of telefacsimile messages in violation of this section are five hundred dollars or actual damages, whichever is greater.

(6) Nothing in this section shall be construed to prevent the Washington utilities and transportation commission from adopting additional rules regulating transmissions of telefacsimile messages."

On motion of Senator Benitz, the following title amendment was adopted:

On page 1, line 2 of the title, after "solicitation," strike the remainder of the title and insert "and adding a new section to chapter 80.36 RCW."

MOTION

On motion of Senator Benitz, Engrossed House Bill No. 2299, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2299, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2299, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; absent, 3; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wogahn - 42.

Absent: Senators Conner, Madsen, Owen - 3.

Excused: Senators Craswell, Kreidler, Matson, Warnke - 4.

ENGROSSED HOUSE BILL NO. 2299, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Smitherman, Senators Madsen and Owen were excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2706, by Committee on Trade and Economic Development (originally sponsored by Representatives Locke, Cantwell, Prince, Spanel, Wineberry, Betzozoff, Cooper, Basich, Raiter, Miller, Rector, Rasmussen, Moyer, Youngsman, G. Fisher, Prentice, Kremen, Nelson, Anderson, Valle, P. King, R. King, Ferguson, O'Brien, Jacobsen, Phillips, Pruitt, Wang, Silver, Brekke, Belcher and Sprengle)

Promoting economic diversification for defense-dependent industries and communities.

The bill was read the second time.

MOTIONS

On motion of Senator Bluechel, the following Committee on Economic Development and Labor amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that the industrial and manufacturing base of the Washington economy has undergone tremendous change during the past two decades. The challenge facing Washington firms is to become as productive and efficient as possible to survive in an increasingly competitive world market. Many of the state's communities are dependent on one or two industries. Many firms are heavily reliant on the defense expenditures of the federal government. It is the intent of the legislature to assist communities in planning for economic change, developing a broader economic base, and preparing for any shift in federal priorities that could cause a reduction in federal expenditures, and assist firms by providing information and technical assistance necessary for them to introduce new products or production processes.

NEW SECTION, Sec. 2. The community diversification program is created in the department of community development. The program shall include:

(1) The monitoring and forecasting of shifts in the economic prospects of major defense employers in the state. This shall include but not be limited to the monitoring of defense contract expenditures, other federal contracts, defense employment shifts, the aircraft and aerospace industry, computer products, and electronics;

(2) The identification of cities, counties, or regions within the state that are primarily dependent on defense or other federal contracting and the identification of firms dependent on federal defense contracts;

(3) Assistance to communities in broadening the local economic base through the provision of management assistance, assistance in financing, entrepreneurial training, and assistance to businesses in using off-the-shelf technology to start new production processes or introduce new products;

(4) Formulating a state plan for diversification in defense dependent communities in collaboration with the employment security department, the department of trade and economic development, and the office of financial management. The plan shall use the information made available through carrying out subsections (1) and (2) of this section; and

(5) The identification of diversification efforts conducted by other states, the federal government, and other nations, and the provision of information on these efforts, as well as information gained through carrying out subsections (1) and (2) of this section, to firms, communities, and workforces that are defense dependent.

The department shall, beginning January 1, 1992, report annually to the governor and the legislature on the activities of the community diversification program.

NEW SECTION, Sec. 3. The advisory council on economic diversification is created to provide advice to the department of community development in carrying out its community diversification program. The governor shall appoint two members from the business community, one of whom shall be a representative of a defense dependent firm; two employee representatives of defense dependent firms, one of whom shall be from a labor union; two members from community organizations active in economic diversification efforts; two members from local governments, from communities dependent on defense expenditures; one member with expertise in economic diversification; one member representing the financial institutions of the state; and one member representing military leadership in the state. Four members of the advisory council shall be from the legislature, one from each political caucus of the senate to be appointed by the president of the senate, and one from each political caucus of the house of representatives to be appointed by the speaker of the house of representatives. The director of the department of community development or the director's designee shall serve as the nonvoting chairperson of the advisory council.

Members of the council other than the chair shall serve for two-year terms. Vacancies shall be filled in the same manner as the original appointments. Members of the council shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and

RCW 43.03.060. The department of community development shall assign staff to the council as necessary to carry out the purposes of this chapter.

NEW SECTION, Sec. 4. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the supplemental omnibus appropriations act, this act shall be null and void.

NEW SECTION, Sec. 5. Sections 2 and 3 of this act are each added to chapter 43.63A RCW.

NEW SECTION, Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 7. A new section is added to chapter 43.131 RCW to read as follows:

The community diversification program and the advisory council on economic diversification shall be terminated on June 30, 1996, as provided in section 8 of this act.

NEW SECTION, Sec. 8. A new section is added to chapter 43.131 RCW to read as follows:

The following acts, or parts of acts, as now existing or as hereafter amended, are each repealed, effective June 30, 1997:

- (1) Section 2, chapter ___, Laws of 1990 and RCW 43.63A.____ (section 2 of this act); and
- (2) Section 3, chapter ___, Laws of 1990 and RCW 43.63A.____ (section 3 of this act)."

On motion of Senator Bluechel, the following title amendment was adopted:

On page 1, line 2 of the title, after "communities;" strike the remainder of the title and insert "adding new sections to chapter 43.63A RCW; adding new sections to chapter 43.131 RCW; and creating new sections."

MOTION

On motion of Senator Bluechel, Engrossed Substitute House Bill No. 2706, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2706, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2706, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; absent, 2; excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 41.

Absent: Senators Conner, Patterson - 2.

Excused: Senators Craswell, Kreidler, Madsen, Matson, Owen, Warnke - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2706, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1307, by Representatives Phillips, Holland, Wang and Appelwick (by request of Department of Revenue)

Revising assessment levels for equalizing personal property.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the following amendment by Senators Warnke and McDonald was adopted:

On page 2, after line 31, insert the following:

"Sec. 2. Section 2, chapter 40, Laws of 1973 2nd ex. sess. as last amended by section 2, chapter 433, Laws of 1987 and RCW 84.36.030 are each amended to read as follows:

The following real and personal property shall be exempt from taxation:

- (1) Property owned by nonprofit organizations or associations, organized and conducted for nonsectarian purposes, which shall be used for character-building, benevolent, protective or rehabilitative social services directed at persons of all ages. The sale of donated merchandise shall not be considered a commercial use of the property under this section if the proceeds are devoted to the furtherance of the purposes of the selling organization or association as specified in this paragraph.

(2) Property owned by any nonprofit church, denomination, group of churches, or an organization or association, the membership of which is comprised solely of churches or their qualified representatives, which is utilized as a camp facility if used for organized and supervised recreational activities and church purposes as related to such camp facilities. The exemption provided by this paragraph shall apply to a maximum of two hundred acres of any such camp as selected by the church, including buildings and other improvements thereon.

(3) Property, including buildings and improvements required for the maintenance and safeguarding of such property, owned by nonprofit organizations or associations engaged in character building of boys and girls under eighteen years of age, and used for such purposes and uses, provided such purposes and uses are for the general public good: PROVIDED, That if existing charters provide that organizations or associations, which would otherwise qualify under the provisions of this paragraph, serve boys and girls up to the age of twenty-one years, then such organizations or associations shall be deemed qualified pursuant to this section.

(4) Property owned by all organizations and societies of veterans of any war of the United States, recognized as such by the department of defense, which shall have national charters, and which shall have for their general purposes and objects the preservation of the memories and associations incident to their war service and the consecration of the efforts of their members to mutual helpfulness and to patriotic and community service to state and nation. To be exempt such property must be used in such manner as may be reasonably necessary to carry out the purposes and objects of such societies.

The use of the property for pecuniary gain or to promote business activities, except fund raising activities conducted by a nonprofit organization, nullifies the exemption otherwise available for the property for the assessment year.

(5) Property owned by all corporations, incorporated under any act of congress, whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same.

(6) Property owned by nonprofit organizations exempt from federal income tax under section 501(c)(3) of the internal revenue code of 1954, as amended, that are guarantee agencies under the federal guaranteed student loan program or that issue debt to provide or acquire student loans.

(7) To be exempt under this section, the property must be used exclusively for the purposes for which exemption is granted, except as provided in RCW 84.36.805.

Sec. 3, Section 7, chapter 40, Laws of 1973 2nd ex. sess. as last amended by section 4, chapter 379, Laws of 1989 and RCW 84.36.805 are each amended to read as follows:

In order to be exempt pursuant to RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.041, 84.36.045, 84.36.047, 84.36.050, 84.36.060, 84.36.350, and 84.36.480, the nonprofit organizations, associations or corporations shall satisfy the following conditions:

(1) The property is used exclusively for the actual operation of the activity for which exemption is granted, unless otherwise provided, and does not exceed an amount reasonably necessary for that purpose, except:

(a) The loan or rental of the property does not subject the property to tax if:

(i) The rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and

(ii) Except for the exemptions under RCW 84.36.030(4) and 84.36.037, the property would be exempt from tax if owned by the organization to which it is loaned or rented;

(b) The use of the property for fund-raising activities does not subject the property to tax if the fund-raising activities are consistent with the purposes for which the exemption is granted;

(2) The property is irrevocably dedicated to the purpose for which exemption has been granted, and on the liquidation, dissolution, or abandonment by said organization, association, or corporation, said property will not inure directly or indirectly to the benefit of any shareholder or individual, except a nonprofit organization, association, or corporation which too would be entitled to property tax exemption: PROVIDED, That the property need not be irrevocably dedicated if it is leased or rented to those qualified for exemption pursuant to RCW 84.36.040 or 84.36.041 or those qualified for exemption as an association engaged in the production or performance of musical, dance, artistic, dramatic, or literary works pursuant to RCW 84.36.060, but only if under the terms of the lease or rental agreement the nonprofit organization, association, or corporation receives the benefit of the exemption;

(3) The facilities and services are available to all regardless of race, color, national origin or ancestry;

(4) The organization, association, or corporation is duly licensed or certified where such licensing or certification is required by law or regulation;

(5) Property sold to organizations, associations, or corporations with an option to be repurchased by the seller shall not qualify for exempt status;

(6) The director of the department of revenue shall have access to its books in order to determine whether such organization, association, or corporation is exempt from taxes within

the intent of RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.041, 84.36.045, 84.36.047, 84.36.050, 84.36.060, 84.36.350, and 84.36.480.

NEW SECTION. Sec. 4. Sections 2 and 3 of this act shall not be construed as modifying or affecting any other existing or future exemptions."

There being no objection, the President deferred further consideration of House Bill No. 1307.

SECOND READING

HOUSE BILL NO. 2901, by Representatives Dellwo, Chandler, P. King, Baugher, Nutley and Winsley (by request of Insurance Commissioner)

Modifying the statutes pertaining to the Washington life and disability insurance guaranty association.

The bill was read the second time.

MOTIONS

On motion of Senator von Reichbauer, the following Committee on Financial Institutions and Insurance amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 259, Laws of 1971 ex. sess. and RCW 48.32A.010 are each amended to read as follows:

The purpose of this chapter is the creation of funds arising from assessments upon all insurers authorized to transact life or disability insurance business in the state of Washington, to be used to assure to the extent prescribed herein the performance of the insurance contractual obligations of insurers becoming insolvent to residents of this state (~~and, in the case of domestic insurers, to residents of other jurisdictions as well~~), and to promote thereby the stability of domestic insurers. In the judgment of the legislature, the foregoing purpose not being capable of accomplishment by a corporation created under general laws, the creation of the nonprofit association hereinafter in this chapter described is deemed essential for the protection of the general welfare.

Sec. 2. Section 2, chapter 259, Laws of 1971 ex. sess. and RCW 48.32A.020 are each amended to read as follows:

This chapter shall apply as follows to life insurance policies, disability insurance policies, and annuity contracts of liquidating insurers, other than separate account variable policies and contracts authorized by chapter 48.18A RCW:

(1) ~~((To all such policies and contracts of a domestic insurer, without regard to the place of residence or domicile of the policy or contract owner, insured, annuitant, beneficiary, or payee:~~

~~((2)))~~ To all such policies and contracts of a domestic, foreign, or alien insurer authorized to transact such insurance or annuity business in this state at the time such policies or contracts were issued or at the time of entry of the order of liquidation of the insolvent insurer, and of which the policy or contract owner, insured, annuitant, beneficiary, or payee is a resident of and domiciled within this state. ~~((With respect to group policies or group contracts of such foreign or alien insurers.))~~ This chapter shall apply only as to the insurance or annuities thereunder of individuals who are residents of and domiciled within this state. The place of residence or domicile shall be determined as of the date of entry of the order of liquidation against the insurer.

~~((3)))~~ (2) To policies and contracts only of insolvent insurers with respect to which an order of liquidation is entered after May 21, 1971.

~~((4)))~~ (3) The obligations of the association created under this chapter shall apply only as to contractual obligations of the insurer under insurance policies and annuity contracts, and shall be no greater than such obligations of the insolvent insurer at the time of entry of the order of liquidation ~~((except that the association shall have no liability with respect to any portions of such policies or contracts to the extent that the death benefit coverage on any one life exceeds an aggregate of three hundred thousand dollars:~~

~~((5)))~~ This chapter shall not apply to fraternal benefit societies, health care service contractors, or to insurance or liability assumed by the liquidating insurer under a contract of reinsurance other than of bulk reinsurance). However, the liability of the association shall in no event exceed:

(a) With respect to any one life, regardless of the number of policies or contracts:

(i) Five hundred thousand dollars in life insurance death benefits, including any net cash surrender and net cash withdrawal values for life insurance;

(ii) Five hundred thousand dollars in disability insurance benefits, including any net cash surrender and net cash withdrawal values; or

(iii) Five hundred thousand dollars in the present value of allocated annuity benefits and annuities established under section 403(b) of the United States internal revenue code.

The association shall not be liable to expend more than five hundred thousand dollars in the aggregate with respect to any one individual under this subsection; or

(b) With respect to any one contract owner covered by any unallocated annuity contract, including governmental retirement plans established under section 401 or 457 of the United States internal revenue code, five million dollars in benefits, irrespective of the number of such contracts held by that contract owner.

(4) This chapter shall not apply to:

(a) Fraternal benefit societies;

(b) Health care service contractors;

(c) Insurance or liability assumed by the liquidating insurer under a contract of reinsurance other than bulk reinsurance;

(d) Any unallocated annuity contract issued to an employee benefit plan protected under the federal pension benefit guaranty corporation; or

(e) Any portion of any unallocated annuity contract which is not issued to or in connection with a specific employee, union, association of natural persons benefit plan, or a government lottery.

Sec. 3. Section 3, chapter 259, Laws of 1971 ex. sess. and RCW 48.32A.030 are each amended to read as follows:

Within the meaning of this chapter:

(1) "Association" means "the Washington life and disability insurance guaranty association".

(2) "Board" means the board of directors of the Washington life and disability insurance guaranty association.

(3) "Commissioner" means the insurance commissioner of this state.

(4) "Policies" means life or disability insurance policies; "contracts" means annuity contracts and contracts supplemental to such insurance policies and annuity contracts.

(5) "Liquidating insurer" means an insurer with respect to which an order of liquidation has been entered by a court of competent jurisdiction.

(6) "Fund" means a guaranty fund provided for in RCW 48.32A.080.

(7) "Account" means any one of the three guaranty fund accounts created under RCW 48.32A.080(1).

(8) "Assessment" means a charge made upon an insurer by the board under this chapter for payment into a guaranty fund. The charge shall constitute a legal liability of the insurer so assessed.

(9) "Contributor" means an insurer which has paid an assessment.

(10) "Certificate" means a certificate of contribution provided for in RCW 48.32A.090.

(11) "Unallocated annuity contract" means any annuity contract or group annuity certificate which is not issued to and owned by an individual, except to the extent of any annuity benefits guaranteed to an individual by an insurer under such contract or certificate.

Sec. 4. Section 6, chapter 259, Laws of 1971 ex. sess. as amended by section 2, chapter 133, Laws of 1975 1st ex. sess. and RCW 48.32A.060 are each amended to read as follows:

(1) The association shall, subject to such terms and conditions as it may impose with the approval of the commissioner, assume, reinsure, or guarantee the performance of the policies and contracts, for a resident of the state, of any domestic life or disability insurer with respect to which an order of liquidation has been entered by any court of general jurisdiction in the state of Washington, and shall have power to receive, own, and administer any assets acquired in connection with such assumption, reinsurance, or guaranty. The association, as to any such policy or contract under which there is no default in payment of premiums subsequent to such assumption, reinsurance, or guaranty, shall make or cause to be made prompt payment of the benefits due under the terms of the policy or contract.

(2) The association shall make or cause to be made payment of the death, endowment, or disability insurance or annuity benefits due under the terms of each policy or contract insuring the life or health of, or providing annuity or other benefits for, a resident of this state which was issued or assumed by a foreign or alien insurer with respect to which an order of liquidation has been entered by a court of competent jurisdiction in the state or country of its domicile.

(3) In determining benefits to be paid with respect to the policies and contracts of a particular liquidating insurer the board may give due consideration to amounts reasonably recoverable or deductible because of the contingent liability, if any, of policyholders of the insurer (if a mutual insurer) or recoverable because of the assessment liability, if any, of the insurer's stockholders (if a stock insurer).

(4) With respect to an insolvent domestic insurer, the board shall have power to petition the court in which the delinquency proceedings are pending for, and the court shall have authority to order and effectuate, such modifications in the terms, benefits, values, and premiums thereafter to be in effect of policies and contracts of the insurer as may reasonably be necessary to effect a bulk reinsurance of such policies and contract in a solvent insurer.

In the event, after the entry of an order of liquidation, an assessment on the members is necessary to increase the assets of the insolvent company to an extent that a bulk reinsurance of such policies may be effected, the court shall have authority to order such assessment.

(5) In addition to any other rights of the association acquired by assignment or otherwise, the association shall be subrogated to the rights of any person entitled to receive benefits under this chapter against the liquidating insurer, or the receiver, rehabilitator, liquidator, or conservator, as the case may be, under the policy or contract with respect to which a payment is made or guaranteed, or obligation assumed by the association pursuant to this section, and the association may require an assignment to it of such rights by any such persons as a condition precedent to the receipt by such person of payment of any benefits under this chapter.

(6) For the purpose of carrying out its obligations under this chapter, the association shall be deemed to be a creditor of the liquidating insurer to the extent of assets attributable to covered policies and contracts reduced by any amounts to which the association is entitled as a subrogee. All assets of the liquidating insurer attributable to covered policies and contracts shall be used to continue all covered policies and contracts and pay all contractual obligations of the liquidating insurer as required by this chapter. Assets attributable to covered policies and contracts, as used in this subsection, are those in that proportion of the assets which the reserves that should have been established for such policies and contracts bear to the reserves that should have been established for all insurances written by the liquidating insurer.

(7) The association shall have the power to petition the superior court for an order appointing the commissioner as receiver of a domestic insurer upon any of the grounds set forth in RCW 48.31.030.

Sec. 5. Section 8, chapter 259, Laws of 1971 ex. sess. as amended by section 5, chapter 119, Laws of 1975-'76 2nd ex. sess. and RCW 48.32A.080 are each amended to read as follows:

(1) For purposes of administration and assessment, the association shall establish and maintain ~~((four))~~ three guaranty fund accounts:

(a) ~~The life insurance and annuity account, (b) the disability insurance account, (c) the annuity account, and (d) the general account,~~ which shall be divided into three subaccounts:

(i) The life insurance subaccount;

(ii) The allocated annuity subaccount which shall include contracts qualified under section 403(b) of the United States internal revenue code; and

(iii) The unallocated annuity subaccount;

(b) The disability insurance account; and

(c) The general account.

(2) For the purpose of providing the funds necessary to carry out the powers and duties of the association, the board shall assess the member insurers, separately for each account, at such times and for such amounts as the board finds necessary. The board shall collect the assessment after thirty days written notice to the member insurers before payment is due. The board may charge reasonable interest for delinquent payment of the assessment.

(3) (a) The amount of any assessment for each account and subaccount shall be determined by the board, and shall be divided among the accounts and subaccounts in the proportion that the premiums received by the liquidating insurer on the policies or contracts covered by each account and subaccount bears to the premiums received by such insurer on all covered policies and contracts.

(b) Assessments against member insurers for each account and subaccount shall be in the proportion that the premiums received on business in this state by each assessed member insurer on policies or contracts covered by each account or subaccount bears to such premiums received on business in this state by all assessed member insurers.

(c) Assessments for funds to meet the requirements of the association with respect to a particular liquidating insurer shall not be made until necessary, in the board's opinion, to implement the purposes of this chapter; and in no event shall such an assessment be made with respect to such insurer until an order of liquidation has been entered against the insurer by a court of competent jurisdiction of the insurer's state or country of domicile. Computation of assessments under this subsection shall be made with a reasonable degree of accuracy, recognizing that exact determination may not always be possible.

(d) The board may make an assessment of up to one hundred fifty dollars for each member insurer to be deposited in the general account and used for administrative and general expenses in carrying out the provisions of this chapter.

(4) ((The association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the insurer to fulfill its contractual obligations. The total of all assessments upon a member insurer for each account shall not in any one calendar year exceed two percent of such insurer's premiums in this state on the policies or contracts covered by the account)) (a) The total of all assessments upon a member insurer for the life and annuity account and for each subaccount shall not in any one calendar year exceed two percent and for the disability account shall not in any one calendar year exceed two percent of such insurer's average premiums received in this state on the policies and contracts covered by the account during the three calendar years preceding the entry of the order of liquidation against the liquidating insurer.

(b) The board may provide a method of allocating funds among claims, whether relating to one or more impaired or insolvent insurers, when the maximum assessment will be insufficient to cover anticipated claims.

(c) If a one percent assessment for any subaccount of the life and annuity account in any one year does not provide an amount sufficient to carry out the responsibilities of the association, then pursuant to subsection (3) of this section, the board shall access all subaccounts of the life and annuity account for the necessary additional amount, subject to the maximum stated in (a) of this subsection.

(5) The association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the insurer to fulfill its contractual obligations. In the event an assessment against a member insurer is abated or deferred, in whole or in part, ((because of the limitations set forth in subsection (4) of this section;)) the amount by which such assessment is abated or deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section. If the maximum assessment, together with the other assets of the association in an account, does not provide in any one year an amount sufficient to carry out the responsibilities of the association with respect to such account, the necessary additional funds shall be assessed as soon thereafter as permitted by this chapter.

(6) The amount in a fund shall be kept at such a sum as in the opinion of the board will enable the association to meet the immediate obligations and liabilities of such fund. Whenever in the opinion of the board the amount in a fund is in excess of such immediate obligations and liabilities, with the approval of the commissioner the association may distribute such excess by retirement of certificates previously issued against the fund. Such distribution shall be made pro rata upon the basis of outstanding certificates, except that by unanimous consent of all directors and with the approval of the commissioner any other reasonable method of retirement of such certificates may be adopted.

(7) As used in this section, "premiums" are those for the calendar year preceding the entry of the order of liquidation as to a particular liquidating insurer, and shall be direct gross insurance premiums and annuity considerations received on policies and contracts to which this chapter applies, less return premiums and considerations and less dividends paid or credited to policyholders.

(8) Upon dissolution of a fund by the repeal of this chapter or otherwise, the fund shall be distributed in the same manner as is provided for the repayment or retirement of certificates. If the amount in the fund at the time of dissolution is in excess of outstanding certificates issued against the fund, such excess shall be distributed among contributing member insurers in such equitable manner as is approved by the commissioner.

Sec. 6. Section 9, chapter 259, Laws of 1971 ex. sess. as last amended by section 2, chapter 183, Laws of 1977 ex. sess. and RCW 48.32A.090 are each amended to read as follows:

(1) The association shall issue to each insurer paying an assessment under this chapter certificates of contribution, in appropriate form and terms as prescribed or approved by the commissioner, for the amounts so paid into the respective funds. All outstanding certificates against a particular fund shall be of equal dignity and priority without reference to amounts or dates of issue.

(2) An outstanding certificate of contribution shall be shown by the insurer in its financial statements as an admitted asset for such amount and period of time as the commissioner may approve: PROVIDED, That unless a longer period has been allowed by the commissioner the insurer shall in any event at its option have the right to so show a certificate of contribution as an admitted asset at percentages of original face amount for calendar years as follows:

100% for the calendar year of issuance;

~~((90%))~~ 80% for the first calendar year after the year of issuance;

~~((80%))~~ 60% for the second calendar year after the year of issuance;

~~((70%))~~ 40% for the third calendar year after the year of issuance;

~~((60%))~~ 20% for the fourth calendar year after the year of issuance;

~~((50% for the fifth calendar year after the year of issuance;~~

~~40% for the sixth calendar year after the year of issuance;~~

~~30% for the seventh calendar year after the year of issuance;~~

~~20% for the eighth calendar year after the year of issuance;~~

~~10% for the ninth calendar year after the year of issuance;))~~ and

0% for the ~~((tenth))~~ fifth and subsequent calendar years after the year of issuance.

Notwithstanding the foregoing, if the value of a certificate of contribution is or becomes less than one thousand dollars, the entire amount may be written off by the insurer in that year.

(3) The insurer shall offset the amount written off by it in a calendar year under subsection (2) of this section against its premium tax liability to this state accrued with respect to business transacted in such year.

(4) Any sums recovered by the association representing sums which have theretofore been written off by contributing insurers and offset against premium taxes as provided in subsection (3) of this section, shall be paid by the association to the commissioner and by him deposited with the state treasurer for credit to the general fund of the state of Washington.

(5) No distribution to stockholders, if any, of a liquidating insurer shall be made unless and until the total amount of assessments levied by the association with respect to such insurer have been fully recovered by the association.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator von Reichbauer, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "insurance;" strike the remainder of the title and insert "and amending RCW 48.32A.010, 48.32A.020, 48.32A.030, 48.32A.060, 48.32A.080, and 48.32A.090."

On page 18, line 12 of the title, after "090" insert "; and declaring an emergency"

MOTION

On motion of Senator von Reichbauer, House Bill No. 2901, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2901, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2901, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 1; excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senator Moore - 1.

Absent: Senator Conner - 1.

Excused: Senators Craswell, Matson, Warnke - 3.

HOUSE BILL NO. 2901, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Vognild moved that the Senate reconsider the vote by which House Bill No. 2542 passed the Senate earlier today.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Vognild to reconsider the vote by which House Bill No. 2542 passed the Senate.

The motion for reconsideration of House Bill No. 2542 carried.

MOTION

On motion of Senator Vognild, House Bill No. 2542 was returned to second reading and read the second time.

MOTION

Senator Smitherman moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1, Section 15, chapter 2, Laws of 1983 as last amended by section 212, chapter 271, Laws of 1989 and RCW 69.50.505 are each amended to read as follows:

(a) The following are subject to seizure and forfeiture and no property right exists in them:

(1) All controlled substances which have been manufactured, distributed, dispensed, acquired, or possessed in violation of this chapter or chapter 69.41 or 69.52 RCW;

(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, ~~(or)~~ exporting, or transporting, any controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

(3) All property which is used, or intended for use, as a container for property described in ~~((paragraphs))~~ (1) or (2) of this subsection;

(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, in any manner to facilitate the sale of property described in ~~(paragraphs)~~ (1) or (2) of this subsection, except that:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter or chapter 69.41 or 69.52 RCW unless the conveyance has, on at least one prior occasion, been the conveyance for property described in (1) or (2) of this subsection, then it is subject to seizure and forfeiture;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge or consent unless the conveyance has, on at least one prior occasion, been the conveyance for property described in (1) or (2) of this subsection, then it is subject to seizure and forfeiture;

(iii) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission unless that encumbered conveyance has, on at least one prior occasion, been the conveyance for property described in (1) or (2) of this subsection, then it is subject to seizure and forfeiture, and the seizing party is obligated to return to the secured party only the amount of interest secured; and

(iv) When the owner of a conveyance has been arrested under this chapter or chapter 69.41 or 69.52 RCW the conveyance in which the person is arrested may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter or chapter 69.41 or 69.52 RCW:

(6) All drug paraphernalia;

(7) All moneys, negotiable instruments, securities, or other tangible or intangible property of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible or intangible personal property, proceeds, or assets acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter or chapter 69.41 or 69.52 RCW: PROVIDED, That a forfeiture of money, negotiable instruments, securities, or other tangible or intangible property encumbered by a bona fide security interest is subject to the interest of the secured party if, at the time the security interest was created, the secured party neither had knowledge of nor consented to the act or omission: PROVIDED FURTHER, That no personal property may be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission which that owner establishes was committed or omitted without the owner's knowledge or consent; and

(8) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements which are being used ~~((with the knowledge of the owner))~~ for the manufacturing, compounding, processing, delivery, importing, ~~((or))~~ exporting, or transportation of any controlled substance, or which have been acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, if such activity is not less than a class C felony and a substantial nexus exists between the commercial production or sale of the controlled substance and the real property: PROVIDED, That:

(i) No property may be forfeited pursuant to this subsection, to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent unless the property has, on at least one prior occasion, been used for the purposes described in (8) of this subsection, then it is subject to seizure and forfeiture;

(ii) The bona fide gift of a controlled substance, legend drug, or imitation controlled substance shall not result in the forfeiture of real property;

(iii) The possession of marijuana shall not result in the forfeiture of real property unless the marijuana is possessed for commercial purposes, the amount possessed is five or more plants or one pound or more of marijuana, and a substantial nexus exists between the possession of marijuana and the real property. In such a case, the intent of the offender shall be determined by the preponderance of the evidence, including the offender's prior criminal history, the amount of marijuana possessed by the offender, the sophistication of the activity or equipment used by the offender, and other evidence which demonstrates the offender's intent to engage in commercial activity;

(iv) The unlawful sale of marijuana or a legend drug shall not result in the forfeiture of real property unless the sale was forty grams or more in the case of marijuana or one hundred dollars or more in the case of a legend drug, and a substantial nexus exists between the unlawful sale and the real property; and

(v) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, at the time the security interest was created, neither had knowledge of nor consented to the act or omission unless the property has, on at least one prior occasion, been used for the purposes described in (8) of this subsection, then it is subject to seizure and forfeiture, and the seizing party is obligated to return to the secured party only the amount of interest secured.

(b) Real or personal property subject to forfeiture under this chapter may be seized by any board inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a lis pendens by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later: PROVIDED, That real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(3) A board inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) The board inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(c) In the event of seizure pursuant to subsection (b) of this section, proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. The notice of seizure in other cases may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(d) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the item seized shall be deemed forfeited. The community property interest in real property of a person whose spouse committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.

(e) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is more than five hundred dollars. The court to which the matter is to be removed shall be the district court when such aggregate value is ten thousand dollars or less of personal property. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. In cases involving personal property, the burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property. In cases involving real property, the burden of producing evidence shall be upon the law enforcement agency. The burden of proof that the seized real property is subject to forfeiture shall be upon the law enforcement agency. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8) of this section.

(f) When property is forfeited under this chapter the board or seizing law enforcement agency may:

(1) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter;

(2) (i) Sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds and all moneys forfeited under this title shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs. Money remaining after the payment of all expenses shall be distributed as follows:

(A) Twenty-five percent of the money derived from the forfeiture of real property and seventy-five percent of the money derived from the forfeiture of personal property shall be deposited in the general fund of the state, county, and/or city of the seizing law enforcement agency and shall be used exclusively for the expansion or improvement of law enforcement services. These services may include the creation of reward funds for the purpose of rewarding informants who supply information leading to the arrest, prosecution and conviction of persons who violate laws relating to controlled substances. Such moneys shall not supplant preexisting funding sources;

(B) Twenty-five percent of money derived from the forfeiture of real property and twenty-five percent of money derived from the forfeiture of personal property shall be remitted to the state treasurer for deposit in the public safety and education account established in RCW 43.08.250;

(C) Until July 1, 1995, fifty percent of money derived from the forfeiture of real property shall be remitted to the state treasurer for deposit in the drug enforcement and education account under RCW 69.50.520, on and after July 1, 1995, the fifty percent of the money shall be remitted in the same manner as the twenty-five percent of the money remitted under (2)(i)(A) of this subsection; and

(D) If an investigation involves a seizure of moneys and proceeds having an aggregate value of less than five thousand dollars, the moneys and proceeds may be deposited in total in the general fund of the governmental unit of the seizing law enforcement agency and shall be appropriated exclusively for the expansion of narcotics enforcement services. Such moneys shall not supplant preexisting funding sources.

(i) Money deposited according to this section must be deposited within ninety days of the date of final disposition of either the administrative seizure or the judicial seizure;

(3) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(4) Forward it to the drug enforcement administration for disposition.

(g) Controlled substances listed in Schedule I, II, III, IV, and V that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV, and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

(h) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

(i) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored to produce an appropriate registration or proof that he is the holder thereof constitutes authority for the seizure and forfeiture of the plants.

(j) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Smitherman to House Bill No. 2542, on reconsideration.

The motion by Senator Smitherman failed and the amendment was not adopted.

MOTION

On motion of Senator Nelson, House Bill No. 2542, on reconsideration, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2542, on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2542, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Craswell, Matson - 2.

HOUSE BILL NO. 2542, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator von Reichbauer moved to reconsider the vote by which House Bill No. 2901, as amended by the Senate, passed the Senate.

The President declared the question before the Senate to be the motion by Senator von Reichbauer to reconsider the vote by which House Bill No. 2901, as amended by the Senate, passed the Senate earlier today.

The motion for reconsideration carried.

On motion of Senator von Reichbauer, House Bill No. 2901 was returned to second reading and read the second time.

Having voted on the prevailing side, Senator von Reichbauer moved to reconsider the vote by which the Committee on Financial Institutions and Insurance striking amendment to House Bill No. 2901 was adopted earlier today.

The President declared the question before the Senate to be the motion by Senator von Reichbauer to reconsider the vote by which the Committee on Financial Institutions and Insurance striking amendment to House Bill No. 2901 was adopted earlier today.

The motion for reconsideration of the Committee on Financial Institutions and Insurance amendment carried.

MOTION

On motion of Senator von Reichbauer, the following amendments by Senators von Reichbauer and Moore to the Committee on Financial Institutions and Insurance striking amendment, on reconsideration, were considered simultaneously and were adopted:

On page 10, line 20, after "subaccount" delete "which shall include contracts qualified under section 403(b) of the United States internal revenue code"

On page 10, line 25, after "subaccount" insert "which shall include contracts qualified under section 403(b) of the United States internal revenue code"

On page 18, line 2, after "affected," insert the following:

"NEW SECTION, Sec. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

The President declared the question before the Senate to be the adoption of the Committee on Financial Institutions and Insurance striking amendment, as amended, to House Bill No. 2901, on reconsideration.

The Committee on Financial Institutions and Insurance striking amendment, as amended, to House Bill No. 2901, on reconsideration, was adopted.

MOTION

On motion of Senator von Reichbauer, House Bill No. 2901, as amended by the Senate, on reconsideration, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2901, as amended by the Senate, on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2901, as amended by the Senate, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Craswell, Matson - 2.

HOUSE BILL NO. 2901, as amended by the Senate, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2378, by Committee on Capital Facilities and Financing (originally sponsored by Representatives Leonard, Holland, Walker, Cole, Nutley, Pruitt, Prentice, Kirby, Heavey, Ebersole, G. Fisher, Peery, H. Sommers, Miller, Winsley and Wineberry)

Changing the authority of educational service district boards with regard to the purchase and sale of property used for the operation of the educational service district.

The bill was read the second time.

MOTIONS

On motion of Senator Bailey, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 9, chapter 176, Laws of 1969 ex. sess. as last amended by section 3, chapter 65, Laws of 1988 and RCW 28A.21.090 are each amended to read as follows:

In addition to other powers and duties as provided by law, every educational service district board shall:

(1) Approve the budgets of the educational service district in accordance with the procedures provided for in this chapter.

(2) Meet regularly according to the schedule adopted at the organization meeting and in special session upon the call of the chairman or a majority of the board.

(3) Approve the selection of educational service district personnel and clerical staff as provided in RCW 28A.21.100, as now or hereafter amended.

(4) Fix the amount of and approve the bonds for those educational service district employees designated by the board as being in need of bonding.

(5) Keep in the educational service district office a full and correct transcript of the boundaries of each school district within the educational service district.

(6) Acquire by borrowing funds or by purchase, lease, devise, bequest, and gift and otherwise contract for real and personal property necessary for the operation of the educational service district and to the execution of the duties of the board and superintendent thereof and sell, lease, or otherwise dispose of that property not necessary for district purposes~~((PREVIOUSLY-That))~~. No real property shall be acquired or alienated without the prior approval of the state board of education and the acquisition or alienation of all such property shall be subject to such provisions as the board may establish. When borrowing funds for the purpose of acquiring property, the educational service district board may pledge as collateral the property to be acquired, but state funds directly allocated to the educational service district, or equipment and materials purchased from direct state allocations, shall not be pledged as collateral. Borrowing shall be evidenced by a note or other instrument between the district and the lender. The authority to borrow under this subsection shall be limited to educational service districts serving a minimum of two hundred thousand students in grades kindergarten through twelve.

(7) Adopt such bylaws and rules and regulations for its own operation as it deems necessary or appropriate.

(8) Enter into contracts, including contracts with common and educational service districts and the school for the deaf and the school for the blind for the joint financing of cooperative service programs conducted pursuant to RCW 28A.21.086(3), and employ consultants and legal counsel relating to any of the duties, functions, and powers of the educational service districts."

On motion of Senator Bailey, the following title amendment was adopted:

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "and amending RCW 28A.21.090."

MOTION

On motion of Senator Bailey, Substitute House Bill No. 2378, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2378, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2378, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent, 1; excused, 2.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 44.

Voting nay: Senators Anderson, Williams - 2.

Absent: Senator Patterson - 1.

Excused: Senators Craswell, Matson - 2.

SUBSTITUTE HOUSE BILL NO. 2378, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 1307, deferred on second reading, after the amendment on page 2, after line 31, by Senators Warnke and McDonald was adopted.

MOTION

Senator Wojahn moved that the following amendment be adopted:

On page 2, after line 31, insert the following section:

"NEW SECTION. Sec. 2. Section 14, chapter 449, Laws of 1985 and RCW 84.26.140 are each repealed."

POINT OF ORDER

Senator McDonald: "Mr. President, a point of order. I would raise the question of scope and object on this amendment."

There being no objection, the President deferred further consideration of House Bill No. 1307.

President Pro Tempore Bluechel assumed the Chair.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 6799, deferred on third reading February 28, 1990.

MOTION

Senator Barr moved that the rules be suspended and Engrossed Substitute Senate Bill No. 6799 be returned to second reading.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Vognild: "A parliamentary inquiry, Mr. President. Will it require a two-thirds vote to suspend the rules and move this bill back?"

RELY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "Senator Vognild, having looked into the past rulings by Lieutenant Governor Cherberg, in the last ten days of the session, it has customarily required a majority of the members present to advance a bill or to return a bill to second reading or a different position."

Senator Vognild: "Thank you, Mr. President."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Barr to suspend the rules and return Engrossed Substitute Senate Bill No. 6799 to second reading.

The motion by Senator Barr carried and Engrossed Substitute Senate Bill No. 6799 was returned to second reading and read the second time.

MOTION

Senator Barr moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 2, after "remaining" insert "high value"

On page 2, beginning on line 12, strike everything through "operation." on line 24 and insert the following:

"(3) 'Normal or necessary agriculture' means all normal or necessary farming, silvicultural, and ranching activities conducted on existing farm and agricultural lands as defined in RCW 84.34.020 (2), construction and maintenance of farm building on existing farm and agricultural lands as defined in RCW 84.34.020 (2), construction, reconstruction, and normal maintenance of dikes and levees on existing farm and agricultural lands and operation and maintenance of irrigation diversions, laterals, canals or drainage ditches."

On page 9, beginning on line 29, strike subsection (a) and insert the following:"

"(a) Normal or necessary agriculture as defined in section 2(3) of this act. Best management practices as developed by local conservation districts shall be encouraged."

Debate ensued.

Senator Kreidler demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Barr on page 2, line 2 and beginning on line 12, and page 9, beginning on line 29, to Engrossed Substitute Senate Bill No. 6799.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 23; nays, 24; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Hansen, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patrick, Patterson, Saling, Sellar, Smith, Thorsness, West - 23.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 24.

Excused: Senators Craswell, Matson - 2.

MOTIONS

Senator Barr moved that the following amendment be adopted:

On page 10, after line 7, insert the following:

"(e) Activities affecting class three or class four wetlands in low or no growth areas except for placement of dredge or fill materials;"

Renumber the remaining subsections accordingly.

Senator Bailey moved that the following amendment to the amendment by Senator Barr be adopted:

Beginning on the second line of the added language which adds a new subsection (e) on page 10, line 7, of ESSB 6799, after "wetlands" and before "except" on the third line of the added language delete "in low or no growth areas"

Debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute Senate Bill No. 6799, under suspension of the Rules, was deferred.

SECOND READING

HOUSE BILL NO. 2475, by Representatives Ferguson, Haugen, Horn and Nutley

Limiting license fees and taxes that impact certain convention and trade facilities.

The bill was read the second time.

MOTIONS

On motion of Senator McCaslin, the following Committee on Governmental Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 10, chapter 34, Laws of 1982 as amended by section 25, chapter 1, Laws of 1988 ex. sess. and RCW 67.40.100 are each amended to read as follows:

(1) Except as provided in chapters 67.28 and 82.14 RCW and subsection (2) of this section, after January 1, 1983, no city, town, or county in which the tax under RCW 67.40.090 is imposed may impose a license fee or tax on the act or privilege of engaging in business to furnish lodging by a hotel, rooming house, tourist court, motel, trailer camp, or similar facilities in excess of the rate imposed upon other persons engaged in the business of making sales at retail as that term is defined in chapter 82.04 RCW.

(2) A city incorporated before January 1, 1982, with a population over sixty thousand located in a county with a population over one million, other than the city of Seattle, may impose a special excise tax under the following conditions:

(a) The proceeds of the tax must be used ~~((society))~~ for the acquisition, design, ~~((and))~~ construction, and marketing of convention and trade facilities and may be used for and pledged to the payment of bonds, leases, or other obligations issued or incurred for such purposes. The proceeds of the tax may be used for maintenance and operation only as part of a budget which includes the use of the tax for debt service and marketing.

(b) The legislative body of the city, before imposing the tax, must authorize a complete study and investigation of the desirability and economic feasibility of the proposed convention and trade facilities.

(c) The rate of the tax shall not exceed three percent.

(d) The tax shall be imposed on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, or trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, except that no such tax may be levied on any premises having fewer than sixty lodging units.

NEW SECTION. Sec. 2. This 1990 amendment applies to all proceeds of the tax authorized under RCW 67.40.100(2), regardless of when levied or collected."

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 1 of the title, after "taxes;" strike the remainder of the title and insert "amending RCW 67.40.100; and creating a new section."

MOTION

On motion of Senator McCaslin, House Bill No. 2475, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2475, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2475, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Voting nay: Senator Conner - 1.

Excused: Senators Craswell, Matson - 2.

HOUSE BILL NO. 2475, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2792, by Committee on Health Care (originally sponsored by Representatives Day, D. Sommers, R. King, Vekich, Dellwo, Wolfe and Rector)

Regulating podiatric physicians and surgeons.

The bill was read the second time.

MOTION

On motion of Senator West, Substitute House Bill No. 2792 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2792.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2792 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Vognild - 1.

Excused: Senators Craswell, Matson - 2.

SUBSTITUTE HOUSE BILL NO. 2792, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2584, by Committee on Local Government (originally sponsored by Representatives Haugen, Nealey, Nutley, Ferguson, Nelson, Zellinsky, Wood, Phillips and Raiter)

Raising public utility district internal job value limits and creating a small works roster.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, Substitute House Bill No. 2584 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Saling: "Senator McCaslin, in discussing this bill, I have heard the term 'staging.' Would you explain to me what is meant by 'staging a contract?'"

Senator McCaslin: "I have no idea, but I think someone in caucus does if you would like an explanation. I am sorry that you missed that in caucus, Senator Saling."

Senator Saling: "Maybe I should explain it to you, Senator McCaslin."

Senator McCaslin: "I would appreciate that, since you know the answer. You are like an attorney, you always know the answer before you ask a question."

Senator Saling: "That's the smartest way to be. Senator McCaslin, is it true that 'staging' means that a PUD can work up to \$30,000 worth, under the current law, and then renegotiate and then work another \$30,000 worth and then another \$30,000 worth until they have a \$500,000 project completed by not contracting it out?"

Senator McCaslin: "That was one of the critiques offered by those who opposed the bill and those who supported the bill said that does not happen. Since I do not

have a PUD in my area--I only have Washington Water Power and VERA as you well know--I can not speak as to whether or not tagging actually occurred. I have no evidence."

Senator Saling: "You have no evidence?"

Senator McCaslin: "Absolutely none."

Senator Saling: "I knew that. Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2584.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2584 and the bill passed the Senate by the following vote: Yeas, 34; nays, 12; absent, 1; excused, 2.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kreidler, Madsen, McCaslin, McDonald, McMullen, Moore, Murray, Newhouse, Niemi, Owen, Patrick, Patterson, Rinehart, Sellar, Smitherman, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 34.

Voting nay: Senators Anderson, Bluechel, Cantu, Hayner, Lee, Nelson, Rasmussen, Saling, Smith, Stratton, Thorsness, West - 12.

Absent: Senator Metcalf - 1.

Excused: Senators Craswell, Matson - 2.

SUBSTITUTE HOUSE BILL NO. 2584, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2801, by Committee on Commerce and Labor (originally sponsored by Representatives Forner, Vekich, Smith, Cole, Walker, Bowman, Leonard, Prentice, Fuhrman, May, Brough, Ferguson, Betrozoff, Winsley, Chandler, Wolfe, Horn, Moyer, Brumsickle, Silver, Nealey, Youngsman, Miller and Wood)

Clarifying the definition of collection agencies.

The bill was read the second time.

MOTIONS

On motion of Senator von Reichbauer, the following Committee on Financial Institutions and Insurance amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 253, Laws of 1971 ex. sess. as amended by section 81, chapter 158, Laws of 1979 and RCW 19.16.100 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Person" includes individual, firm, partnership, trust, joint venture, association, or corporation.

(2) "Collection agency" means and includes:

(a) Any person directly or indirectly engaged in soliciting claims for collection, or collecting or attempting to collect claims owed or due or asserted to be owed or due another person;

(b) Any person who directly or indirectly furnishes or attempts to furnish, sells, or offers to sell forms represented to be a collection system or scheme intended or calculated to be used to collect claims even though the forms direct the debtor to make payment to the creditor and even though the forms may be or are actually used by the creditor himself in his own name;

(c) Any person who in attempting to collect or in collecting his own claim uses a fictitious name or any name other than his own which would indicate to the debtor that a third person is collecting or attempting to collect such claim.

(3) "Collection agency" does not mean and does not include:

(a) Any individual engaged in soliciting claims for collection, or collecting or attempting to collect claims on behalf of a licensee under this chapter, if said individual is an employee of the licensee;

(b) Any individual collecting or attempting to collect claims for not more than one employer, if all the collection efforts are carried on in the name of the employer and if the individual is an employee of the employer; ((or))

(c) Any person whose collection activities are carried on in his or its true name and are confined and are directly related to the operation of a business other than that of a collection

agency, such as but not limited to trust companies, savings and loan associations, building and loan associations, abstract companies doing an escrow business, real estate brokers, public officers acting in their official capacities, persons acting under court order, lawyers, insurance companies, credit unions, loan or finance companies, mortgage banks, and banks; or

(d) Any person who on behalf of another person prepares or mails monthly or periodic statements of accounts due if all payments are made to that other person and no other collection efforts are made by the person preparing the statements of account.

(4) "Claim" means any obligation for the payment of money or thing of value arising out of any agreement or contract, express or implied.

(5) "Statement of account" means a report setting forth only amounts billed, invoices, credits allowed, or aged balance due.

(6) "Director" means the director of licensing.

~~((6))~~ (7) "Client" or "customer" means any person authorizing or employing a collection agency to collect a claim.

~~((7))~~ (8) "Licensee" means any person licensed under this chapter.

~~((8))~~ (9) "Board" means the Washington state collection agency board.

~~((9))~~ (10) "Debtor" means any person owing or alleged to owe a claim."

On motion of Senator von Reichbauer, the following title amendment was adopted:

On line 1 of the title, after "agencies;" strike the remainder of the title and insert "and amending RCW 19.16.100."

MOTION

On motion of Senator von Reichbauer, Engrossed Substitute House Bill No. 2801, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2801, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2801, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Bluechel - 1.

Excused: Senators Craswell, Matson - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2801, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2077, by Committee on Appropriations (originally sponsored by Representatives Brooks, Dellwo, Ballard, Rust, Rector, Grant, Anderson, Wolfe, Miller, Winsley, D. Sommers, Ferguson, Crane and Jacobsen)

Establishing a network for the reporting of cancer cases.

The bill was read the second time.

MOTIONS

On motion of Senator West, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to establish a system to accurately monitor the incidence of cancer in the state of Washington for the purposes of understanding, controlling, and reducing the occurrence of cancer in this state. In order to accomplish this, the legislature has determined that cancer cases shall be reported to the department of health, and that there shall be established a state-wide population-based cancer registry.

NEW SECTION. Sec. 2. The secretary of health may contract with either a recognized regional cancer research institution or regional tumor registry, or both, which shall hereinafter

be called the contractor, to establish a state-wide cancer registry program and to obtain cancer reports from all or a portion of the state as required in section 3 of this act and to make available data for use in cancer research and for purposes of improving the public health.

NEW SECTION, Sec. 3. (1) The department of health shall adopt rules as to which types of cancer shall be reported, who shall report, and the form and timing of the reports.

(2) Every health care facility and independent clinical laboratory, and those physicians or others providing health care who diagnose or treat any patient with cancer who is not hospitalized within one month of diagnosis, will provide the contractor with the information required under subsection (1) of this section. The required information may be collected on a regional basis where such a system exists and forwarded to the contractor in a form suitable for the purposes of sections 2 through 6 of this act. Such reporting arrangements shall be reduced to a written agreement between the contractor and any regional reporting agency which shall detail the manner, form, and timeliness of the reporting.

NEW SECTION, Sec. 4. (1) Data obtained under section 3 of this act shall be used for statistical, scientific, medical research, and public health purposes only.

(2) The department and its contractor shall ensure that access to data contained in the registry is consistent with federal law for the protection of human subjects and consistent with chapter 42.48 RCW.

NEW SECTION, Sec. 5. Providing information required under section 3 or 4 of this act shall not create any liability on the part of the provider nor shall it constitute a breach of confidentiality. The contractor shall, at the request of the provider, but not more frequently than once a year, sign an oath of confidentiality, which reads substantially as follows:

"As a condition of conducting research concerning persons who have received services from (name of the health care provider or facility), I agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such research that could lead to identification of such persons receiving services, or to the identification of their health care providers. I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law."

NEW SECTION, Sec. 6. The department shall adopt rules to implement sections 2 through 5 of this act, including but not limited to a definition of cancer.

NEW SECTION, Sec. 7. Sections 2 through 6 of this act are each added to chapter 70.54 RCW.

NEW SECTION, Sec. 8. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void."

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "reporting;" strike the remainder of the title and insert "adding new sections to chapter 70.54 RCW; and creating new sections."

MOTION

On motion of Senator West, Second Substitute House Bill No. 2077, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Bender, Senator Hansen was excused.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 2077, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2077, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Craswell, Hansen, Matson - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 2077, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2373, by Representatives Holland, H. Sommers, Schoon, Wang, Rasmussen, Ferguson, Silver, Todd, Winsley, Van Luven, Rector and Horn

Revising bond information requirements.

The bill was read the second time.

MOTIONS

On motion of Senator McDonald, the following Committee on Ways and Means amendment was adopted:

On page 2, line 19, after "39.44.200" and before the period insert ", and shall report the local government's outstanding indebtedness compared to any applicable limitations on indebtedness, including RCW 35.42.200, 39.30.010, and 39.36.020"

On motion of Senator McDonald, House Bill No. 2373, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Bender, Senator DeJarnatt was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2373, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2373, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Paterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Craswell, DeJarnatt, Hansen, Matson - 4.

HOUSE BILL NO. 2373, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2576, by Committee on Fisheries and Wildlife (originally sponsored by Representatives R. King, S. Wilson, Bowman, Haugen and Jacobsen) (by request of Department of Wildlife)

Updating and revising certain statutes regarding the department of wildlife.

The bill was read the second time.

MOTIONS

On motion of Senator Metcalf, the following Committee on Environment and Natural Resources amendment was adopted:

On page 6, line 18, after "chapter," insert "This subsection does not apply to annual steelhead catch record cards for persons under the age of fifteen."

(5) Persons under the age of fifteen may purchase an annual steelhead catch record card for five dollars. The five-dollar catch record card entitles the holder to retain no more than five steelhead. After retaining five steelhead, a new catch record card may be purchased."

On motion of Senator Metcalf, Substitute House Bill No. 2576, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2576, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2576, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senator Nelson - 1.

Excused: Senators Craswell, DeJarnatt, Hansen, Matson - 4.

SUBSTITUTE HOUSE BILL NO. 2576, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2291, by Representatives Spanel, Bowman, R. King, Haugen, Brumsickle, Sayan, Basich, Brooks, Morris, S. Wilson and Vekich (by request of Department of Fisheries)

Regarding sea cucumber commercial fishing.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, Engrossed House Bill No. 2291 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2291.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2291 and the bill passed the Senate by the following vote: Yeas, 40; nays, 4; absent, 1; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patrick, Rinehart, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Voting nay: Senators Nelson, Patterson, Rasmussen, Saling - 4.

Absent: Senator Fleming - 1.

Excused: Senators Craswell, DeJarnatt, Hansen, Matson - 4.

ENGROSSED HOUSE BILL NO. 2291, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2868, by Representatives Spanel, Haugen, S. Wilson and R. King

Changing provisions relating to sea urchin endorsements.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, House Bill No. 2868 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Metcalf, we previously passed the sea cucumber and now this is the sea urchin. That previous bill locked in families that are now fishing, so they can continue on for a lifetime--their generations and for generations thereafter retaining that license. Is that right?"

Senator Metcalf: "That is correct."

Senator Rasmussen: "And this will do the same thing for the sea urchin?"

Senator Metcalf: "No, that was done in 1989 for the sea urchin. We passed a license limitation bill last year for sea urchins and this is just basically technical

changes suggested by the administrative law judge, but we already had that function in place."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2868.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2868 and the bill passed the Senate by the following vote: Yeas, 39; nays, 6; excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Conner, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patrick, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 39.

Voting nay: Senators Barr, Bluechel, Cantu, Nelson, Patterson, Rasmussen - 6.

Excused: Senators Craswell, DeJarnatt, Hansen, Matson - 4.

HOUSE BILL NO. 2868, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the Chair.

SECOND READING

ENGROSSED HOUSE BILL NO. 2429, by Representatives R. Meyers and Scott

Establishing penalties for attempts by vessel operators to elude pursuing law enforcement vessels.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, Engrossed House Bill No. 2429 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Metcalf, reading from the digest, it says, 'an officer can give a signal to stop by hand, voice or emergency light or siren. The officer in the vessel must be appropriately marked as an official in law enforcement.' That part is all right. The officer can give a signal by hand. What does that refer to do--can he wave his hand?"

Senator Metcalf: "We had a long discussion on that in the committee and just waving his hand wouldn't do it. He has to very clearly--and they have lights and they have horns--so they have all those things and all those things would have to be brought into play, because at night, you know, nobody could see him raise his hand anyway. They have to take full action to be sure that that operator knows what the officer is trying to get him to do."

Senator Rasmussen: "Well, I had an occasion one time when I was fishing and was pulled up along side the boat and a deputy sheriff got hold of the line and the line broke and then a fellow came dashing out of the cabin and said, 'What are you doing with my line--I'm a deputy sheriff, too,' so there were two deputy sheriffs standing there and they were waving at each other and they weren't talking very nice. That's the reason that I am wondering why you allow the wave of the hand? I can understand the lights, the siren--everybody understands that--the blue light, but waving the hand, that doesn't seem logical."

Senator Metcalf: "Well, the explanation that we had was that if the weather conditions were very turbulent or if it was at night, there is no prosecutor that would ever take a case on waving a hand. In other words, they have to use all means to be sure that the person is notified."

Senator Rasmussen: "You have more confidence than I have. Thank you."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2429.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2429 and the bill passed the Senate by the following vote: Yeas, 39; nays, 5; absent, 1; excused, 4.

Voting yea: Senators Amondson, Bailey, Bauer, Bender, Bluechel, Cantu, Conner, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 39.

Voting nay: Senators Anderson, Barr, Benitz, Rasmussen, West - 5.

Absent: Senator Fleming - 1.

Excused: Senators Craswell, DeJarnatt, Hansen, Matson - 4.

ENGROSSED HOUSE BILL NO. 2429, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2716, by Representatives Crane and S. Wilson

Making a person who overloads a truck a codefendant.

The bill was read the second time.

MOTIONS

On motion of Senator Patterson, the following Committee on Transportation amendment was adopted:

On page 4, beginning on line 11, strike the remainder of the subsection

On motion of Senator Patterson, Engrossed House Bill No. 2716, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2716, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2716, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 11; absent, 2; excused, 4.

Voting yea: Senators Amondson, Bailey, Bauer, Conner, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Owen, Patrick, Rinehart, Sellar, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 32.

Voting nay: Senators Anderson, Barr, Benitz, Bluechel, Cantu, McDonald, Newhouse, Patterson, Rasmussen, Saling, Smith - 11.

Absent: Senators Bender, Talmadge - 2.

Excused: Senators Craswell, DeJarnatt, Hansen, Matson - 4.

ENGROSSED HOUSE BILL NO. 2716, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

February 28, 1990

ESHB 1825

Prime Sponsor, Committee on Transportation: Changing provisions relating to high capacity transportation systems. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Thorsness, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Benitz, Hansen, McMullen Madsen, Patrick, Sellar.

HOLD.

February 28, 1990

ESHB 2252 Prime Sponsor. Committee on Health Care: Establishing the Washington universal health access and containment commission. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways & Means. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson.

Referred to the Committee on Ways and Means.

REPORT OF STANDING COMMITTEE
GUBERNATORIAL APPOINTMENT

February 28, 1990

GA 9165 KRISTINE M. GEBBIE, appointed August 31, 1989, for a term ending at the Governor's pleasure, as Secretary of the Department of Health. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators West, Chairman; Smith, Vice Chairman; Amondson, Johnson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

MOTION

On motion of Senator Newhouse, the rules were suspended. Engrossed Substitute House Bill No. 1825 was advanced to second reading and placed on the second reading calendar.

MOTION

At 9:44 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Friday, March 2, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FIFTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 2, 1990

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, Conner, Fleming, Metcalf, Patterson, Sellar, Smitherman and Williams. On motion of Senator Bender, Senators Fleming, Smitherman and Williams were excused. On motion of Senator Smith, Senators Anderson and Sellar were excused.

The Sergeant at Arms Color Guard, consisting of Pages Amanda Storm and Sam Haugen, presented the Colors. Reverend Gary Fogelquist, pastor of the Lacey Seventh-Day Adventist Church, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 1, 1990

Mr. President:

The House has passed:

SENATE BILL NO. 5431,

SENATE BILL NO. 5593,

SUBSTITUTE SENATE BILL NO. 6167,

SENATE BILL NO. 6335,

SUBSTITUTE SENATE BILL NO. 6446,

SENATE BILL NO. 6564,

SENATE BILL NO. 6673,

SUBSTITUTE SENATE BILL NO. 6697,

SUBSTITUTE SENATE BILL NO. 6776,

SENATE BILL NO. 6816,

SENATE BILL NO. 6862,

SENATE BILL NO. 6866, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 28, 1990

Mr. President:

The House has passed:

ENGROSSED SENATE BILL NO. 6189,

SENATE BILL NO. 6213,

SUBSTITUTE SENATE BILL NO. 6289,

SUBSTITUTE SENATE BILL NO. 6348,

SUBSTITUTE SENATE BILL NO. 6426,

SUBSTITUTE SENATE BILL NO. 6453,

SUBSTITUTE SENATE BILL NO. 6493,

SUBSTITUTE SENATE BILL NO. 6642,

SECOND SUBSTITUTE SENATE BILL NO. 6832, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 1, 1990

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5935,

SECOND SUBSTITUTE SENATE BILL NO. 5993,

SENATE BILL NO. 6192,

SENATE BILL NO. 6201,

SENATE BILL NO. 6224.

SENATE BILL NO. 6834, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 1, 1990

Mr. President:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8437, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9192, Dennis Seinfeld, as a member of the Board of Trustees for Tacoma Community College District No. 22, was confirmed.

APPOINTMENT OF DENNIS SEINFELD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; absent, 4; excused, 5.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 40.

Absent: Senators Conner, Metcalf, Patterson, Smith - 4.

Excused: Senators Anderson, Fleming, Sellar, Smitherman, Williams - 5.

SECOND READING

HOUSE BILL NO. 2288, by Representatives H. Sommers, Wood, Rasmussen, Schoon and R. King (by request of Department of Community Development)

Regarding appropriations for public works projects.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, House Bill No. 2288 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2288.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2288 and the bill passed the Senate by the following vote: Yeas, 41; absent, 3; excused, 5.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Wojahn - 41.

Absent: Senators Conner, McDonald, Patterson - 3.

Excused: Senators Anderson, Fleming, Sellar, Smitherman, Williams - 5.

HOUSE BILL NO. 2288, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2385, by Committee on Human Services (originally sponsored by Representatives Sayan, Moyer and Winsley) (by request of Department of Social and Health Services)

Making technical changes to alcohol and drug treatment laws.

The bill was read the second time.

MOTION

Senator West moved that the following amendments be considered simultaneously and be adopted:

On page 17, after line 6, insert the following:

NEW SECTION. Sec. 10. The legislature recognizes the governor's role in the state's response to the current public health crisis from alcohol and substance abuse. This includes the governor's support and assistance in passage of the omnibus drug act of 1989 and the creation of the governor's substance abuse council by executive order in 1989. The legislature intends to affirm the governor's leadership and coordinating function and strengthen current structures in state government as they relate to these efforts.

NEW SECTION. Sec. 11. A new section is added to Title 43 RCW to read as follows:

(1) The governor shall establish and update at least annually a comprehensive state strategy to reduce substance abuse through prevention, treatment, and enforcement efforts.

(2) The governor shall appoint an interdepartmental coordinating committee on substance abuse which shall be composed of the director of the department of community development, the secretary of corrections, the commissioner of the employment security department, the secretary of health, the director of the department of labor and industries, the secretary of social and health services, the superintendent of public instruction, the chief of the Washington state patrol, the director of the traffic safety commission, and a member of the board of health, or their designees. Additional members of the committee shall be appointed by the governor and shall represent additional state agencies or commissions as the governor deems appropriate.

The committee shall meet at least four times annually at the call of the governor, or his or her designee, who shall be its chair. The committee shall provide for the coordination of, and exchange of information on, all programs relating to alcoholism and other drug addiction, and shall act as a permanent liaison among the departments engaged in activities affecting alcoholics and other drug addicts, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons. The committee shall report its findings of the current state of the substance abuse problem to the governor and the legislature by September 1, 1990, and biennially thereafter based on current agency data, and advise the governor on developing and updating the comprehensive strategy.

(3) The governor may appoint a council on substance abuse. Members shall represent education, treatment, law enforcement, local government, community groups, students, private industry, labor, and others as deemed appropriate by the governor.

The council's primary responsibilities shall include:

(a) Advise the governor on issues and programs relating to substance abuse including the development and review of the comprehensive strategy;

(b) Advise and assist the governor with implementation strategies to support community efforts to reduce substance abuse; and

(c) Promote public awareness and education regarding substance abuse and actions individuals can use in response to substance abuse.

The primary thrust of the council's local efforts shall be to emphasize Washington communities working in partnership with government, labor, private industry, schools, treatment, and law enforcement so that each can identify their role and complement the roles of the others in working to minimize the causes and impacts of substance abuse through coordinated and innovative strategies.

(4) The governor may transfer or delegate any of his or her duties under this section to any operating agency deemed appropriate by the governor.

NEW SECTION. Sec. 12. A new section is added to chapter 36.28A RCW to read as follows:

(1) The Washington association of sheriffs and police chiefs shall establish and maintain a central repository for the collection of information on alcohol and drug related crimes and incidents. Upon establishing such a repository, the association shall develop a procedure to monitor, record, and classify information relating to alcohol and drug related crimes and incidents. The procedure may be established within the association's incident-based reporting program where such programs exist within local law enforcement agencies.

(2) The Washington association of sheriffs and police chiefs shall collect information on alcohol and drug related crimes and incidents reported by law enforcement agencies in such form and manner as prescribed by rules adopted by the association. Agency participation in the incident-based reporting program, with regard to the specific data requirements associated with alcohol and drug-related crimes and incidents, shall be deemed to meet agency reporting requirements.

(3) The Washington association of sheriffs and police chiefs shall submit an annual report to the senate law and justice and health and long-term care committees and the house of representatives judiciary and health committees by December 1 of each year beginning in 1990 summarizing the statistical results of the alcohol and drug related crimes and incidents data received.

NEW SECTION. Sec. 13. A new section is added to chapter 43.131 RCW to read as follows:

The governor's comprehensive state strategy on substance abuse and the interdepartmental coordinating committee shall be terminated on June 30, 1995, as provided in section 14 of this act.

NEW SECTION, Sec. 14. A new section is added to chapter 43.131 RCW to read as follows: Section 3, chapter _____, Laws of 1990 and RCW 43._____ (section 3 of this act), as now existing or hereafter amended, are each repealed, effective June 30, 1996.

NEW SECTION, Sec. 15. Section 6, chapter 122, Laws of 1972 ex. sess., section 220, chapter 158, Laws of 1979, section 8, chapter 270, Laws of 1989 and RCW 70.96A.060 are each repealed."

Renumber the sections consecutively and correct any internal references accordingly.

On page 17, line 7, after "Sec. 10." strike "This act is" and insert "Sections 1 through 9 of this act are"

POINT OF ORDER

Senator Niemi: "Mr. President, a point of order. I would request a ruling on the scope and object of these amendments. The amendments were well explained by Senator West. They deal with an amendment to RCW Title 43. The underlying bill, Substitute House Bill No. 2385 deals with the clarification of the ADATSA status. It amends RCW 70 and 74. It changes some definitions of gravely disabled by alcohol and a licensed physician and it has some other language cleanups, so I don't think the scope of the amendment deals with the underlying bill."

Further debate ensued.

There being no objection, the President deferred further consideration of Substitute House Bill No. 2385.

SECOND READING

HOUSE BILL NO. 2411, by Representatives Braddock, Brooks and Prentice (by request of Health Care Authority)

Amending health care authority provisions.

The bill was read the second time.

MOTION

Senator West moved that the following Committee on Health and Long-Term Care amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 106, Laws of 1975-'76 2nd ex. sess. as amended by section 17, chapter 107, Laws of 1988 and RCW 41.04.205 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 41.04.180, the employees, with their dependents, of any county, municipality, or other political subdivision of this state shall be eligible to participate in any insurance or self-insurance program administered under chapter 41.05 RCW if the legislative authority of any such county, municipality, or other political subdivisions of this state determines a transfer to an insurance or self-insurance program administered under chapter 41.05 RCW should be made: PROVIDED, That this section shall have no application to members of the law enforcement officers' and fire fighters' retirement system under chapter 41.26 RCW; PROVIDED FURTHER, That in the event of a special district employee transfer pursuant to this section, members of the governing authority shall be eligible to be included in such transfer if such members are authorized by law as of June 25, 1976 to participate in the insurance program being transferred from and subject to payment by such members of all costs of insurance for members(~~PROVIDED FURTHER, That contributions by any county, municipality, or other political subdivision to which coverage is extended after October 1, 1988, shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date upon which coverage is extended~~)).

(2) When the legislative authority of a county, municipality, or other political subdivision determines to so transfer, the state health care authority shall:

(a) Establish the conditions under which the transfer may be made, which shall include the requirements that:

(i) All the eligible employees of the political subdivision transfer as a unit, and

(ii) The political subdivision involved obligate itself to make employer contributions in an amount at least equal to those provided by the state as employer; and

(b) Hold public hearings on the application for transfer; and

(c) Have the sole right to reject the application.

Approval of the application by the state health care authority shall effect a transfer of the employees involved to the insurance, self-insurance, or health care program applied for.

Sec. 2. Section 3, chapter 107, Laws of 1988 and RCW 41.05.011 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

- (1) "Administrator" means the administrator of the authority.
- (2) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.
- (3) "Authority" means the Washington state health care authority.
- (4) "Insuring entity" means an insurance carrier as defined in chapter 48.21 or 48.22 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW.
- (5) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.
- (6) "Employee" includes all full-time and career seasonal employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; and includes any or all part-time and temporary employees under the terms and conditions established under this chapter by the authority; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county, city, or town who are elected to office after February 20, 1970. "Employee" also includes employees of a county, municipality, or other political subdivision of the state if the legislative authority of the county, municipality, or other political subdivision of the state ((transfers any of its insurance programs to an insurance program administered by the authority pursuant to)) seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205, and employees of a school district if the board of directors of the school district seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority as provided in RCW 28A.58.420.

(7) "Board" means the state employees' benefits board established under RCW 41.05.055.

Sec. 3, Section 4, chapter 107, Laws of 1988 and RCW 41.05.021 are each amended to read as follows:

The Washington state health care authority is created within the executive branch. The authority shall have an administrator appointed by the governor, with the consent of the senate. The administrator shall serve at the pleasure of the governor. The administrator may employ up to seven staff members, who shall be exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter. The primary duties of the authority shall be to administer state employees' insurance benefits and to study state-purchased health care programs in order to maximize cost containment in these programs while ensuring access to quality health care. The authority's duties include, but are not limited to, the following:

(1) To administer a health care benefit program for employees as specifically authorized in RCW 41.05.065 and in accordance with the methods described in RCW 41.05.075, 41.05.140, and other provisions of this chapter;

(2) To analyze ~~((the))~~ state-purchased health care programs and to explore options for cost containment and delivery alternatives for those programs that are consistent with the purposes of those programs, including, but not limited to:

(a) Creation of economic incentives for the persons for whom the state purchases health care to appropriately utilize and purchase health care services, including the development of flexible benefit plans to offset increases in individual financial responsibility;

(b) Utilization of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems, utilization review, and prospective payment methods;

(c) Coordination of state agency efforts to purchase drugs effectively as provided in RCW 70.14.050;

(d) Development of recommendations and methods for purchasing medical equipment and supporting services on a volume discount basis; and

(e) Development of data systems to obtain utilization data from state-purchased health care programs in order to identify cost centers, utilization patterns, provider and hospital practice patterns, and procedure costs, utilizing the information obtained pursuant to RCW 41.05.031;

(3) To analyze areas of public and private health care interaction; ~~((and))~~

(4) To provide information and technical and administrative assistance to the board;

(5) To review and approve or deny applications from counties, municipalities, other political subdivisions of the state, and school districts to provide state-sponsored insurance or self-insurance programs to their employees in accordance with the provisions of RCW 41.04.205 and 28A.58.420, setting the premium contribution for approved groups as outlined in RCW 41.05.050;

(6) To appoint a health care policy technical advisory committee as required by RCW 41.05.150; and

(7) To promulgate and adopt rules consistent with this chapter as described in RCW 41.05.160.

Sec. 4. Section 5, chapter 107, Laws of 1988 and RCW 41.05.031 are each amended to read as follows:

The following state agencies are directed to cooperate with the authority to establish appropriate health care information systems in their programs: The department of social and health services, ~~the department of health~~, the department of labor and industries, the basic health plan, the department of veterans affairs, the department of corrections, and the superintendent of public instruction.

The authority, in conjunction with these agencies, shall determine:

- (1) Definitions of health care services;
- (2) Health care data elements common to all agencies;
- (3) Health care data elements unique to each agency; and
- (4) A mechanism for program and budget review of health care data.

Sec. 5. Section 3, chapter 125, Laws of 1979 and RCW 41.05.090 are each amended to read as follows:

(1) When ((a) an employee, spouse, or covered dependent becomes ineligible under the state plan and wishes to continue coverage on an individual basis with the same provider under the state plan, such employee, spouse, or covered dependent shall be entitled to immediately transfer and shall not be required to undergo any waiting period before obtaining individual coverage.

(2) Entitlement to a conversion contract under the terms of this section shall not apply to any employee, spouse, or covered dependent who is:

(a) Eligible for federal medicare coverage; or

(b) Covered under another group plan, policy, contract, or agreement providing benefits for hospital or medical care.

(3) Entitlement to conversion under the terms of this section shall not apply to any employee terminated for misconduct, except that conversion shall be offered to the spouse and covered dependents of the terminated employee.

NEW SECTION. Sec. 6. A new section is added to chapter 41.05 RCW to read as follows:

When soliciting proposals for the purpose of awarding contracts for goods or services, the administrator shall, upon written request by the bidder, exempt from public inspection and copying such proprietary data, trade secrets, or other information contained in the bidder's proposal that relate to the bidder's unique methods of conducting business or of determining prices or premium rates to be charged for services under terms of the proposal.

Sec. 7. Section 2, chapter 56, Laws of 1984 as last amended by section 221, chapter 9, Laws of 1989 1st ex. sess. and RCW 48.42.070 are each amended to read as follows:

Every person or organization which seeks sponsorship of a legislative proposal which would mandate a health coverage or offering of a health coverage by an insurance carrier, health care service contractor, or health maintenance organization as a component of individual or group policies, shall submit a report to the legislative committees having jurisdiction, assessing both the social and financial impacts of such coverage, including the efficacy of the treatment or service proposed, according to the guidelines enumerated in RCW 48.42.080. Copies of the report shall be sent to the ~~((state department of health))~~ health care authority for review and comment. The ~~((state department of health))~~ health care authority shall make recommendations based on the report ~~((to the extent requested by the legislative committees)).~~ The legislature shall consider the report of the health care authority prior to acting on a legislative proposal that requires or modifies mandated benefits or mandated offerings.

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Health and Long-Term Care striking amendment to House Bill No. 2411.

The motion by Senator West carried and the committee striking amendment was adopted:

MOTIONS

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "authority;" strike the remainder of the title and insert "amending RCW 41.04.205, 41.05.011, 41.05.021, 41.05.031, 41.05.090, and 48.42.070; and adding a new section to chapter 41.05 RCW."

On motion of Senator West, House Bill No. 2411, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2411, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2411, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yeas: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Anderson, Sellar, Smitherman - 3.

HOUSE BILL NO. 2411, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 2385 and the pending amendments by Senator West on page 17, after line 6 and line 7, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Niemi, the President finds that Substitute House Bill No. 2385 is a measure which makes definitional changes in the drug and alcohol treatment laws and provides that patients and records are protected by federal confidentiality laws.

"The amendments proposed by Senator West would, among other things, direct the Governor to establish a state strategy on substance abuse; appoint a coordinating committee; and direct the Washington Association of Sheriffs and Police Chiefs to establish and maintain a repository for information on alcohol and drug related crimes and report to the Legislature on an annual basis.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and the point of order is well taken."

The amendments by Senator West on page 7, after line 6, and line 7, to Substitute House Bill No. 2385 were ruled out of order.

MOTION

On motion of Senator West, Substitute House Bill No. 2385 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2385.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2385 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yeas: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Excused: Senators Anderson, Sellar, Smitherman - 3.

SUBSTITUTE HOUSE BILL NO. 2385, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 1307 and the pending amendment by Senator Wojahn on page 2, line 31, deferred March 1, 1990.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator McDonald, the President finds that House Bill No. 1307 is a measure which requires that the Department of Revenue use assessment data from the preceding year

when conducting equalization ratio studies and, as amended by the Senate, clarifies the property tax exemption property owned by veterans' organizations.

"The amendment proposed by Senator Wojahn repeals the December 31, 1991, sunset for historic properties to qualify for a special valuation for property tax levies.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Wojahn on page 2, after line 31, to House Bill No. 1307 was ruled out of order.

MOTION

On motion of Senator McDonald, House Bill No. 1307, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1307, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1307, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Amondson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Melcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senator Barr - 1.

Excused: Senators Anderson, Sellar, Smitherman - 3.

HOUSE BILL NO. 1307, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Nelson, Senator McCaslin was excused.

President Pro Tempore Bluechel assumed the Chair.

SECOND READING

HOUSE BILL NO. 2746, by Representatives McLean, Belcher, Brumsickle, Ballard, Appelwick, Silver, Hankins, Miller, Bowman and Todd

Creating a crime of enticement.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9A.44 RCW to read as follows:

(1) A person is guilty of enticement when he or she requests, demands, or persuades through the use of false representations, a person who is under sixteen years of age or developmentally disabled to enter a motor vehicle, dwelling, building, or other place for the purpose of sexual contact or gratification.

(2) Enticement is a gross misdemeanor."

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "enticement," strike the remainder of the title and insert "adding a new section to chapter 9A.44 RCW; and prescribing penalties."

MOTION

On motion of Senator Nelson, House Bill No. 2746, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2746, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2746, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogniid, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator McMullen - 1.

Excused: Senators Anderson, McCaslin - 2.

HOUSE BILL NO. 2746, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2752, by Committee on Judiciary (originally sponsored by Representatives Moyer, Jones, Padden, Wolfe, Hargrove, Wineberry, Rector, D. Sommers, Crane, Dellwo, Schmidt, Brumsickle, Winsley, Bowman, Kremen, Heavey, Tate, May, Brough, Kirby, Wood, Schoon, Todd and Day)

Pertaining to depictions of minors engaged in sexually explicit conduct.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Law and Justice amendment was adopted:

On page 1, line 9, after "matter" strike all material down to and including "whatsoever," on line 12

On motion of Senator Nelson, Substitute House Bill No. 2752, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2752, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2752, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogniid, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Matson - 1.

Excused: Senator Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 2752, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2445, by Representatives Winsley, Leonard, Wood and Miller

Requiring notice of any conditional use permits applicable to a mobile home park in mobile home park rental agreements.

The bill was read the second time.

MOTION

On motion of Senator Lee, House Bill No. 2445 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2445.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2445 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting ye: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, Warnke, West, Williams, Wojahn - 47.

Absent: Senator von Reichbauer - 1.

Excused: Senator Anderson - 1.

HOUSE BILL NO. 2445, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2312, by Representatives H. Sommers, Schoon and Rasmussen (by request of State Treasurer)

Expanding the public funds investment account.

The bill was read the second time.

MOTIONS

On motion of Senator McDonald, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 294, Laws of 1986 and RCW 43.250.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Public funds investment account" or "investment pool" means the aggregate of all funds (~~from political subdivisions~~) as defined in subsection (4) of this section that are placed in the custody of the state treasurer for investment and reinvestment.

(2) "Political subdivision" means any county, city, town, municipal corporation, political subdivision, or special purpose taxing district in the state.

(3) "Local government official" means any officer or employee of a political subdivision who has been designated by statute or by local charter, ordinance, or resolution as the officer having the authority to invest the funds of the political subdivision. However, the county treasurer shall be deemed the only local government official for all political subdivisions for which the county treasurer has exclusive statutory authority to invest the funds thereof.

(4) "Funds" means:

(a) Public funds under the control of or in the custody of any local government official by virtue of the official's authority that are not immediately required to meet current demands;

(b) State funds that are the proceeds of bonds, notes, or other evidences of indebtedness authorized by the state finance committee under chapter 39.42 RCW or payments pursuant to financing contracts under chapter 39.94 RCW, when the investments are made in order to comply with the Internal Revenue Code of 1986, as amended.

Sec. 2. Section 3, chapter 294, Laws of 1986 and RCW 43.250.030 are each amended to read as follows:

There is created a trust fund in the state treasury to be known as the public funds investment account. All moneys remitted (~~by local government officials~~) under this chapter shall be deposited in this account. The earnings on any balances in the public funds investment account shall be credited to the public funds investment account, notwithstanding RCW 43.84.090.

Sec. 3. Section 6, chapter 294, Laws of 1986 and RCW 43.250.060 are each amended to read as follows:

The state treasurer shall by rule prescribe the time periods for investments in the investment pool and the procedure for withdrawal of funds from the investment pool. The state treasurer shall promulgate such other rules as are deemed necessary for the efficient operation of the investment pool. The rules shall also provide for the administrative expenses of the investment pool, including repayment of the initial administrative costs financed out of the appropriation included in (~~this act~~) chapter 294, Laws of 1986, to be paid from the pool's earnings and

for the interest earnings in excess of the expenses to be credited or paid to ~~((the political subdivisions participating))~~ participants in the pool. The state treasurer may deduct the amounts necessary to reimburse the treasurer's office for the actual expenses the office incurs and to repay any funds appropriated and expended for the initial administrative costs of the pool. Any credits or payments to ~~((political subdivisions))~~ the participants shall be calculated and made in a manner which equitably reflects the differing amounts of the ~~((political subdivisions'))~~ participants' respective deposits in the investment pool fund and the differing periods of time for which the amounts were placed in the investment pool.

Sec. 4. Section 7, chapter 294, Laws of 1986 and RCW 43.250.070 are each amended to read as follows:

The state treasurer shall keep a separate account for each ~~((political subdivision))~~ participant having funds in the investment pool. Each separate account shall record the individual amounts deposited in the investment pool, the date of withdrawals, and the earnings credited or paid ~~((to the political subdivision))~~. The state treasurer shall report monthly the status of the respective account to each ~~((local government official))~~ participant having funds in the pool during the previous month.

Sec. 5. Section 43.84.090, chapter 8, Laws of 1965 as last amended by section 5, chapter 233, Laws of 1985 and RCW 43.84.090 are each amended to read as follows:

Except as otherwise provided by RCW 43.250.030 and 67.40.025, twenty percent of all income received from such investments shall be deposited in the state general fund."

On motion of Senator McDonald, the following title amendment was adopted:

On line 1 of the title, after "funds," strike the remainder of the title and insert "and amend- ing RCW 43.250.020, 43.250.030, 43.250.060, 43.250.070, and 43.84.090."

MOTION

On motion of Senator McDonald, House Bill No. 2312, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2312, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2312, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Anderson - 1.

HOUSE BILL NO. 2312, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2939, by Representatives Braddock, Brooks, Morris, Jacobsen, Silver, Holland, Winsley and Baugher (by request of Department of Corrections)

Removing population limits at certain correctional institutions.

The bill was read the second time.

MOTION

Senator Newhouse moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The following acts or parts of acts are each repealed:

(1) Section 109, chapter 136, Laws of 1981, section 2, chapter 350, Laws of 1985, section 4, chapter 143, Laws of 1988 and RCW 72.02.180; and

(2) Section 14, chapter 143, Laws of 1988 and RCW 72.02.190.

NEW SECTION, Sec. 2. A new section is added to chapter 72.02 RCW to read as follows:

If the department of corrections provides new inmate beds, or provides double-bunks for existing cells, within ten miles of a city or town that is within three miles of correctional facilities

that would have been subject to RCW 72.02.180 or 72.02.190, and if those facilities had an average annual inmate capacity of at least one thousand on the effective date of this act, the department shall, subject to appropriation by the legislature, provide mitigating funds to the city or town containing or closest to the facility with the new beds or double-bunked cells. For purposes of determining the eligibility of a city or town for mitigation funds under this section, the average annual inmate capacity of correctional facilities within three miles of a city or town shall be combined. The mitigation funds shall be calculated as follows: The number of new beds or double-bunked cells divided by one thousand multiplied by the annual general fund—state operating budget of the department's correctional facilities within ten miles of that town or city, multiplied by one percent. The city or town, in its discretion, may share the funds with other cities or the county in which the city or town is located. The department shall provide mitigation funds annually, adjusted for changes in additional new beds or double-bunked cells and in the department's budget. The funds authorized by this section shall be in addition to any other amounts that were authorized prior to the effective date of this act by the legislature or ordered by any court for the purpose of mitigating the impact of adult correctional facilities.

NEW SECTION. Sec. 3. If specific funding for the purposes of section 2 of this act, referencing section 2 of this act by bill and section number, is not provided by June 30, 1990, in the omnibus appropriations act, section 2 of this act shall be null and void.

NEW SECTION. Sec. 4. A new section is added to chapter 72.02 RCW to read as follows:

The department of corrections shall provide annual financial assistance to the city and county of Walla Walla and the city of College Place in order to offset the direct economic costs incurred by the local governments as a result of the continued impact of the Washington state penitentiary and adjoining correctional facilities on city law enforcement, sewer, fire, water, and social services. The funds authorized by this section shall be in addition to any other amounts authorized by the legislature prior to the effective date of this act for the purpose of mitigating the impact of adult correctional facilities on local governments.

NEW SECTION. Sec. 5. If specific funding for the purposes of section 4 of this act, referencing section 4 of this act by bill and section number, is not provided by June 30, 1990, in the omnibus appropriations act, section 4 of this act shall be null and void.

NEW SECTION. Sec. 6. A new section is added to chapter 72.02 RCW to read as follows:

If the department of corrections increases the average daily inmate population at the Twin Rivers corrections center above the nonemergency statutory limit under RCW 72.02.180, the department shall, subject to appropriation by the legislature, provide annual mitigating funds to the county in which the corrections center is located. The mitigation funds shall be calculated by multiplying the average daily inmate population that exceeds the nonemergency statutory limit for that fiscal year, by five hundred dollars.

NEW SECTION. Sec. 7. If specific funding for the purposes of section 6 of this act, referencing section 6 of this act by bill and section number, is not provided by June 30, 1990, in the omnibus appropriations act, section 6 of this act shall be null and void.

NEW SECTION. Sec. 8. A new section is added to chapter 72.02 RCW to read as follows:

If inmate populations are increased at any institution as a result of the repeal of RCW 72.02.180 or 72.02.190, the department of corrections shall provide sufficient staffing at the institution to comply with the division of prisons custody model as adopted by the department. In no event shall staffing levels be reduced below the levels in effect on the effective date of this act."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment to Engrossed House Bill No. 2939.

The motion by Senator Newhouse carried and the committee striking amendment was adopted.

MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 2 of the title, after "institutions;" strike the remainder of the title and insert "adding new sections to chapter 72.02 RCW; creating new sections; and repealing RCW 72.02-.180 and 72.02.190."

On motion of Senator Nelson, Engrossed House Bill No. 2939, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, a few years back when the Feds were putting money in, they had a ruling that you couldn't double bunk. What has happened to that?"

Senator McDonald: "Actually, Senator Rasmussen, there have been a number of cases--I can't make the citations--but I do have a paper on it that you might be interested in. Double bunking, per se, is not the problem. The problem was the ancillary facilities--the recreational facilities, the vocational facilities, the ability for the prisoners to get out and to do something outside of their cell. My gosh, there have been cases where they have found that you can go down to as few as forty-five square feet per prisoner, as opposed to the eighty-five square feet that the American Corrections Association recommends. They have not said that double bunking was a problem, per se. It is the ancillary facilities--the kitchens, the recreational, the vocational type of things and those are the things that we have concentrated on in this capital budget and hopefully we will be upheld."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2939, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2939, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 9.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Voting nay: Senators Bailey, Fleming, Kreidler, Metcalf, Moore, Owen, Rasmussen, Rinehart, Talmadge - 9.

ENGROSSED HOUSE BILL NO. 2939, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

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

MOTION

On motion of Senator Rinehart, the following resolution was adopted:

SENATE RESOLUTION 1990-8746

by Senators Rinehart, Niemi, Gaspard, Rasmussen, Williams, Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Patrick, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West and Wojahn

WHEREAS, Hans Georg Dehmelt, Ph.D., is a Professor of Physics at the University of Washington, having joined the faculty in 1955; and

WHEREAS, Professor Dehmelt, born in Goerlitz, Germany, became a naturalized citizen of the United States in 1961; and

WHEREAS, He is a member of the Academy of Arts and Sciences, the National Academy of Sciences and the International Society of Magnetic Resonance; and

WHEREAS, Professor Dehmelt can claim among his honors, both The Davisson Germer Prize and The Count Rumford Medal; and

WHEREAS, The Nobel Prize Committee has awarded Hans Georg Dehmelt, Ph.D., the 1989 Nobel Prize in Physics; and

WHEREAS, Professor Dehmelt has ingeniously devised sensitive experimental equipment and techniques to make extremely precise measurements of fundamental atomic states; and

WHEREAS, He has done important research into the fundamental states and properties of atoms and electrons; and

WHEREAS, The Penning Trap was developed by Professor Dehmelt to trap and hold a single electron, so that it can be precisely studied; and

WHEREAS, He was the first to propose and to perform a direct visual demonstration of the quantum theory; and

WHEREAS, The results of his experiments provide stringent tests of theories at the basis of Physics;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby recognizes and honors Hans Georg Dehmelt, Ph.D., for his commitment and contributions to the Science of Physics, his loyalty to the University of Washington, and his dedication as a teacher; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Secretary of the Senate to Hans G. Dehmelt, to his family and to William Gerberding, President of the University of Washington.

MOTION

On motion of Senator Rinehart, all Senators will be sponsors of Senate Resolution 1990-8746.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the Honorable Dr. and Mrs. Hans Georg Dehmelt, who were seated on the rostrum.

With permission of the Senate, business was suspended to permit Dr. Dehmelt to address the Senate.

President Pro Tempore Bluechel assumed the Chair.

There being no objection the President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2858, by Committee on Commerce and Labor (originally sponsored by Representatives Cole, Smith, R. King, Wolfe, Leonard, Jones, Vekich, Prentice, Walker and Van Luven)

Authorizing business entertainment practices for liquor importers, wholesalers, or manufacturers.

The bill was read the second time.

MOTION

On motion of Senator Lee, Substitute House Bill No. 2858 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2858.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2858 and the bill passed the Senate by the following vote: Yeas, 41; nays, 6; absent, 2.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Murray, Newhouse, Niemi, Owen, Patrick, Patterson, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 41.

Voting nay: Senators Anderson, Craswell, Metcalf, Rasmussen, Smith, Sutherland - 6.

Absent: Senators Matson, Nelson - 2.

SUBSTITUTE HOUSE BILL NO. 2858, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6841, by Senators Nelson and Rasmussen

Changing provisions relating to juvenile residential burglary.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6841 was substituted for Senate Bill No. 6841 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, Substitute Senate Bill No. 6841 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6841.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6841 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Absent: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6841, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2986, by Committee on Appropriations (originally sponsored by Representative Appelwick)

Making technical corrections to the alcohol and controlled substances abuse act.

The bill was read the second time.

MOTION

Senator McDonald moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 401, chapter 271, Laws of 1989 and RCW 69.50.520 are each amended to read as follows:

The drug enforcement and education account is created in the state treasury. All designated receipts from RCW 66.24.210(4), 66.24.290(3), 69.50.505(1)(2)(i)(C), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under ~~((this act))~~ chapter 271, Laws of 1989. Expenditures shall be used for funding new programs or new levels of existing program activities and may not be used to supplant funds provided for programs funded from other sources on or after July 1, 1989. Any funds received from federal sources that could be applied to programs established by this act shall be used to replace expenditures from the drug enforcement and education account on a pro rata basis for taxes collected under RCW 66.24.210(4), 66.24.290(3), 82.08.150(5), 82.24.020(2), and 82.64.020. The office of financial management shall notify the fiscal committees of the house of representatives and senate on a regular basis of unanticipated funds that could be applied to programs established in chapter 271, Laws of 1989.

Sec. 2. Section 408, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sum of ten million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the superintendent of public instruction to support school district substance abuse awareness programs provided under ~~((sections 310 through 313 of this act))~~ RCW 28A.120.080 through 28A.120.086. The superintendent of public instruction shall require that any grants provided to school districts or educational service districts under this section be used to increase prevention

and intervention services related to drug and alcohol abuse above the level of services provided by the district for the 1988-89 school year. Furthermore, except as provided in this section, no portion of this appropriation expended for state administrative costs may be used to supplant administrative moneys previously used by the superintendent of public instruction for state level activities related to drug and alcohol education or prevention and intervention programs. A reasonable portion of this appropriation, but no more than is necessary, may be used to evaluate and monitor the programs funded by this section.

It is the intent of the legislature that one-time grants provided to school districts from appropriations under this section do not meet the criteria for levy reduction funds under RCW 84.52.0531 and shall not be deemed to be levy reduction funds.

Sec. 3. Section 411, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sum of three million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the superintendent of public instruction for matching grants to enhance security in secondary schools. School districts which apply for such grants shall ensure that no more than seventy-five percent of the district's total expenditures for school security in any school year are supported by the grant amounts. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events. Of the amount appropriated in this section, a minimum of two million seven hundred fifty thousand dollars is provided for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, the grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

It is the intent of the legislature that grants provided to school districts from appropriations under this section do not meet the criteria for levy reduction funds under RCW 84.52.0531 and shall not be deemed to be levy reduction funds.

Sec. 4. Section 420, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sum of one million eight hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the office of the administrator for the courts for the treatment alternatives to street crime program. These funds shall be used for providing services in domestic cases to children and to parents or others having custody of children under chapter 26.09, 26.10, 26.26, 26.44, or 26.50 RCW. These funds shall not be available for expenditure until January 1, 1990. The office of the administrator for the courts shall establish standards for the courts to recover the expenses of the program specified in this section from the participants, based upon the individual participant's ability to pay. All fees collected shall be remitted to the state treasurer for deposit in the drug enforcement and education account under ~~(section 401 of this act)~~ RCW 69.50.520.

Sec. 5. Section 603, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

(1) In order to determine the effectiveness of ~~((this act))~~ chapter 271, Laws of 1989, it is necessary to have an independent evaluation of those programs that have the most potential for useful program review.

(2) ~~((The legislative budget committee shall prepare a plan to conduct studies of the effectiveness of programs initiated in this act. A plan for study shall include:~~

~~(a) Institution-based drug testing;~~

~~(b) The juvenile offenders structured residential program;~~

~~(c) The state-wide drug prosecution assistance program;~~

~~(d) Community mobilization;~~

~~(e) Drug and alcohol abuse prevention and early intervention in schools; and~~

~~(f) Maternity care support services for alcohol and drug-abusing pregnant women.~~

~~(3) The plan for conducting studies, including start and completion dates, general research approaches, potential research problems, data requirements, necessary implementation authority, and cost estimates are to be provided to the appropriate policy and fiscal committees of the house and senate by December 1, 1989. The plan may include proposals to use contract evaluators and shall identify ways to measure program progress and outcomes.~~

~~(4) In order to establish a beginning point for any future studies of the effectiveness of programs initiated in this act, all programs proposed for analysis in this section shall submit a plan detailing expenditures related to goals and objectives of the program being initiated, to the legislative budget committee by October 1, 1989.) The department of social and health services shall conduct an assessment of the effectiveness of the juvenile offenders structured residential program, and the superintendent of public instruction shall contract with an independent entity for an assessment of the effectiveness of the drug and alcohol abuse prevention and early intervention in schools program. The legislative budget committee shall review and monitor the studies of program effectiveness required by this subsection.~~

~~(3) The department of social and health services and the superintendent of public instruction shall submit a plan and cost estimate for carrying out the provisions of this section to the appropriate policy and fiscal committees of the house and senate before January 1, 1991.~~

Sec. 6. Section 3, chapter 158, Laws of 1935 as last amended by section 501, chapter 271, Laws of 1989 and RCW 66.24.210 are each amended to read as follows:

(1) There is hereby imposed upon all wines sold to wine wholesalers and the Washington state liquor control board, within the state a tax at the rate of twenty and one-fourth cents per liter: PROVIDED, HOWEVER, That wine sold or shipped in bulk from one winery to another winery shall not be subject to such tax. The tax provided for in this section may, if so prescribed by the board, be collected by means of stamps to be furnished by the board, or by direct payments based on wine purchased by wine wholesalers. Every person purchasing wine under the provisions of this section shall on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report shall pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof. If this tax be collected by means of stamps, every such person shall procure from the board revenue stamps representing the tax in such form as the board shall prescribe and shall affix the same to the package or container in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser. If the tax is not collected by means of stamps, the board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel the license until all taxes are paid.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) An additional tax is imposed on wines subject to tax under subsection (1) of this section, at the rate of one-fourth of one cent per liter for wine sold after June 30, 1987. Such additional tax shall cease to be imposed on July 1, 1993. All revenues collected under this subsection (3) shall be disbursed quarterly to the Washington wine commission for use in carrying out the purposes of chapter 15.88 RCW.

(4)(a) Until July 1, 1995, an additional tax is imposed on all wine subject to tax under subsection (1) of this section. The additional tax is equal to twenty-three and forty-four one-hundredths cents per liter on wine containing alcohol in an amount equal to or more than fourteen percent by volume when bottled or packaged by the manufacturer and one cent per liter on all other wine. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under RCW 69.50.520 by the twenty-fifth day of the following month.

(b) The tax rates under (a) of this subsection shall be adjusted on a pro rata basis determined by the receipt of federal money pursuant to RCW 69.50.520. The office of financial management shall issue a quarterly statement that sets forth the information necessary for making quarterly adjustments. The changes in the rates shall be determined by the board using the most recent revenue forecast and shall take effect on the first day of the month following the end of the quarter. At no time may the tax rate exceed the rate set forth in this section.

Sec. 7. Section 24, chapter 62, Laws of 1933 ex. sess. as last amended by section 502, chapter 271, Laws of 1989 and RCW 66.24.290 are each amended to read as follows:

(1) Any brewer or beer wholesaler licensed under this title may sell and deliver beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewer or beer wholesaler shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer within the state a tax of two dollars and sixty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer shall pay a tax computed in gallons at the rate of two dollars and sixty cents per barrel of thirty-one gallons. Any brewer or beer wholesaler whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Each such brewer or wholesaler shall procure from the board revenue stamps representing such tax in form prescribed by the board and shall affix the same to the barrel or package in such manner and in such denominations as required by the board, and shall cancel the same prior to commencing delivery from his place of business or warehouse of such barrels or packages. Beer shall be sold by brewers and wholesalers in sealed barrels or packages. The revenue stamps herein provided for need not be affixed and canceled in the making of resales of barrels or packages already taxed by the affixation and cancellation of stamps as provided in this section.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3)(a) Until July 1, 1995, an additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to two dollars per barrel of thirty-one gallons. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under RCW 69.50.520 by the twenty-fifth day of the following month.

(b) The tax rate under (a) of this subsection shall be adjusted on a pro rata basis determined by the receipt of federal money pursuant to RCW 69.50.520. The office of financial management shall issue a quarterly statement that sets forth the information necessary for making quarterly adjustments. The change in the rate shall be determined by the board using the most recent revenue forecast and shall take effect on the first day of the month following the end of the quarter. At no time may the tax rate exceed the rate set forth in this section.

(4) The tax imposed under this section shall not apply to "strong beer" as defined in this title.

Sec. 8. Section 82.08.150, chapter 15, Laws of 1961 as last amended by section 503, chapter 271, Laws of 1989 and RCW 82.08.150 are each amended to read as follows:

(1) There is levied and shall be collected a tax upon each retail sale of spirits, or strong beer in the original package at the rate of fifteen percent of the selling price. The tax imposed in this subsection shall apply to all such sales including sales by the Washington state liquor stores and agencies, but excluding sales to class H licensees.

(2) There is levied and shall be collected a tax upon each sale of spirits, or strong beer in the original package at the rate of ten percent of the selling price on sales by Washington state liquor stores and agencies to class H licensees.

(3) There is levied and shall be collected an additional tax upon each retail sale of spirits in the original package at the rate of one dollar and seventy-two cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees.

(4) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the taxes payable under subsections (1), (2), and (3) of this section.

(5)(a) Until July 1, 1995, an additional tax is imposed upon each retail sale of spirits in the original package at the rate of seven cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under RCW 69.50.520 by the twenty-fifth day of the following month.

(b) The tax rate under (a) of this subsection shall be adjusted on a pro rata basis determined by the receipt of federal money pursuant to RCW 69.50.520. The office of financial management shall issue a quarterly statement that sets forth the information necessary for making quarterly adjustments. The change in the rate shall be determined by the liquor control board using the most recent revenue forecast and shall take effect on the first day of the month following the end of the quarter. At no time may the tax rate exceed the rate set forth in this section.

(6) The tax imposed in RCW 82.08.020, as now or hereafter amended, shall not apply to sales of spirits or strong beer in the original package.

(7) The taxes imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale under this section. The taxes required by this section to be collected by the seller shall be stated separately from the selling price and for purposes of determining the tax due from the buyer to the seller, it shall be conclusively presumed that the selling price quoted in any price list does not include the taxes imposed by this section.

(8) As used in this section, the terms, "spirits," "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04 RCW.

Sec. 9. Section 82.24.020, chapter 15, Laws of 1961 as last amended by section 504, chapter 271, Laws of 1989 and RCW 82.24.020 are each amended to read as follows:

(1) There is levied and there shall be collected as hereinafter provided, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of eleven and one-half mills per cigarette.

(2)(a) Until July 1, 1995, an additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of one and one-half mills per cigarette. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under RCW 69.50.520 by the twenty-fifth day of the following month.

(b) The tax rate under (a) of this subsection shall be adjusted on a pro rata basis determined by the receipt of federal money pursuant to RCW 69.50.520. The office of financial management shall issue a quarterly statement that sets forth the information necessary for making quarterly adjustments. The change in the rate shall be determined by the department using the most recent revenue forecast and shall take effect on the first day of the month following the end of the quarter. At no time may the tax rate exceed the rate set forth in this section.

(3) Wholesalers and retailers subject to the payment of this tax may, if they wish, absorb one-half mill per cigarette of the tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

(4) For purposes of this chapter, "possession" shall mean both (a) physical possession by the purchaser and, (b) when cigarettes are being transported to or held for the purchaser or his designee by a person other than the purchaser, constructive possession by the purchaser or his designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held.

Sec. 10. Section 506, chapter 271, Laws of 1989 and RCW 82.64.020 are each amended to read as follows:

(1)(a) A tax is imposed on the privilege of possession of a carbonated beverage or syrup in this state. The rate of the tax shall be equal to eighty-four one-thousandths of a cent per ounce for carbonated beverages and seventy-five cents per gallon for syrups. Fractional amounts shall be taxed proportionally.

(b) The tax rate under (a) of this subsection shall be adjusted on a pro rata basis determined by the receipt of federal money pursuant to RCW 69.50.520. The office of financial management shall issue a quarterly statement that sets forth the information necessary for making quarterly adjustments. The change in the rate shall be determined by the department using the most recent revenue forecast and shall take effect on the first day of the month following the end of the quarter. At no time may the tax rate exceed the rate set forth in this section.

(2) Moneys collected under this chapter shall be deposited in the drug enforcement and education account under RCW 69.50.520.

(3) Chapter 82.32 RCW applies to the tax imposed in this chapter. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the tax imposed in this chapter.

NEW SECTION. Sec. 11. Section 604, chapter 271, Laws of 1989 and RCW 44.28.170 are each repealed.

POINT OF ORDER

Senator Fleming: "Mr. President, a point of order. I raise the question of scope and object on the committee amendment that was just spoken to by the Chairman of Ways and Means. The reason that I am raising the question of scope and object is that the original bill and the title were dealing with making technical corrections to the alcohol and controlled substance abuse act and dealing with the question of whether funds from the federal government could be supplanted or not supplanted. We made a great effort and stride last year with the omnibus drug bill and in doing so we felt as though we would be able to fight this so-called war against crime, but we would only be able to do it if there was a strong effort by state government, a strong effort by local government and a strong effort by the federal government. We indicated that the forty million dollars a year would not be the answer to the problem, that we would need help from the federal government and for this amendment to come forth and to try and reduce those taxes when it hasn't even been a year that we enacted the law. I believe that it is out of the scope and object of this measure and that this measure should only be dealing with those technical changes that were put forth in the original bill and that is the reason that I raise the question of scope and object, Mr. President."

MOTION

On motion of Senator Newhouse, further consideration of Second Substitute House Bill No. 2986 was deferred.

MOTION

On motion of Senator Smith, Senator Amondson was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2917, by Committee on Health Care (originally sponsored by Representatives Braddock, Schoon, Sprenkle and Wang)

Changing provisions relating to physician assistants.

The bill was read the second time.

MOTIONS

On motion of Senator West, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 30, Laws of 1971 ex. sess. as last amended by section 1, chapter 113, Laws of 1988 and RCW 18.71A.010 are each amended to read as follows:

(1) "(Physician's) Physician assistant" means a person who is (~~enrolled in, or who has~~ satisfactorily completed, a board approved training program designed to prepare persons) licensed by the board to practice medicine to a limited extent only under the supervision of a physician as defined in chapter 18.71 RCW and who is academically and clinically prepared to provide health care services and perform diagnostic, therapeutic, preventative, and health maintenance services.

(2) "Board" means the board of medical examiners.

(3) "Practice medicine" shall have the meaning defined in RCW 18.71.011.

(4) "Secretary" means the secretary of health or the secretary's designee.

(5) "Department" means the department of health.

Sec. 2. Section 2, chapter 30, Laws of 1971 ex. sess. and RCW 18.71A.020 are each amended to read as follows:

(1) The board shall adopt rules (~~and regulations~~) fixing the qualifications and the educational and training requirements for persons who may be employed as (~~physician's~~) physician assistants or who may be enrolled in any (~~physician's~~) physician assistant training program. The requirements shall include completion of an accredited physician assistant training program approved by the board and eligibility to take an examination approved by the board, provided such examination tests subjects substantially equivalent to the curriculum of an accredited physician assistant training program. Physician assistants licensed by the board on the effective date of this 1990 act shall continue to be licensed.

(2)(a) The board shall (~~in addition,~~) adopt rules (~~and regulations~~) governing the extent to which (~~physician's~~):

(i) Physician assistant(~~s~~) students may practice medicine during training; and

(ii) Physician assistants may practice after successful completion of a physician assistant training course.

(b) Such (~~regulations~~) rules shall provide:

(~~(1)~~) (i) That the practice of a (~~physician's~~) physician assistant shall be limited to the performance of those services for which he or she is trained; and

(~~(2)~~) (ii) That each (~~physician's~~) physician assistant shall practice medicine only under the supervision and control of a physician licensed in this state, but such supervision and control shall not be construed to necessarily require the personal presence of the supervising physician at the place where services are rendered.

Sec. 3. Section 3, chapter 30, Laws of 1971 ex. sess. and RCW 18.71A.030 are each amended to read as follows:

A (~~physician's~~) physician assistant as defined in this chapter may practice medicine in this state only after authorization by the board and only to the extent permitted by the board. A (~~physician's~~) physician assistant shall be subject to discipline under chapter (~~18.72~~) 18.130 RCW.

Sec. 4. Section 4, chapter 30, Laws of 1971 ex. sess. as last amended by section 61, chapter 7, Laws of 1985 and by section 113, chapter 259, Laws of 1986 and RCW 18.71A.040 are each reenacted and amended to read as follows:

No physician practicing in this state shall (~~utilize the services of~~) employ or supervise a (~~physician's~~) physician assistant without the approval of the board.

Any physician licensed in this state may apply to the board for permission to (~~use the services of~~) employ or supervise a (~~physician's~~) physician assistant. The application shall be jointly submitted by the physician and physician assistant and shall be accompanied by a fee determined by the (~~director~~) secretary as provided in RCW (~~43.24.086~~) 43.70.250. The joint application shall detail the manner and extent to which the (~~physician's~~) physician assistant would (~~be used~~) practice and be supervised, shall detail the education, training, and experience of the (~~physician's~~) physician assistant and shall provide such other information in such form as the board may require.

The board may approve or reject such applications. In addition, the board may modify the proposed (~~utilization~~) practice of the (~~physician's~~) physician assistant, and approve the application as modified. No such approval shall extend for more than one year, but approval once granted may be renewed (~~annually~~) upon payment of a fee determined by the (~~director~~) secretary as provided in RCW (~~43.24.086~~) 43.70.250. Whenever it appears to the board that a (~~physician's~~) physician assistant is (~~being utilized~~) practicing in a manner inconsistent with the approval granted, the board may withdraw such approval. In the event a hearing is requested upon the rejection of an application, or upon the withdrawal of an approval, a hearing shall be conducted in accordance with chapter 18.130 RCW.

Sec. 5. Section 5, chapter 30, Laws of 1971 ex. sess. as amended by section 114, chapter 259, Laws of 1986 and RCW 18.71A.050 are each amended to read as follows:

No physician who (~~uses the services of~~) supervises a (~~physician's~~) physician assistant in accordance with and within the terms of any permission granted by the medical examining board shall be considered as aiding and abetting an unlicensed person to practice medicine: PROVIDED, HOWEVER, That any physician shall retain professional and personal responsibility

for any act which constitutes the practice of medicine as defined in RCW 18.71.010 when performed by a ((physician's)) physician assistant in ((his)) the physician's employ.

Sec. 6. Section 6, chapter 30, Laws of 1971 ex. sess. as amended by section 21, chapter 77, Laws of 1973 and RCW 18.71A.060 are each amended to read as follows:

No health care services may be performed under this chapter in any of the following areas:

(1) The measurement of the powers or range of human vision, or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses or frames for the aid thereof.

(2) The prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training, vision training or orthoptics.

(3) The prescribing of contact lenses for, or the fitting or adaptation of contact lenses to, the human eye.

(4) Nothing in this section shall preclude the performance of routine visual screening.

(5) The practice of dentistry or dental hygiene as defined in chapters 18.32 and 18.29 RCW respectively. The exemptions set forth in RCW 18.32.030, paragraphs (1) and (8), shall not apply to a ((physician's)) physician assistant.

(6) The practice of chiropractic as defined in chapter 18.25 RCW including the adjustment or manipulation of the articulations of the spine.

(7) The practice of podiatry as defined in chapter 18.22 RCW.

Sec. 7. Section 3, chapter 190, Laws of 1975 1st ex. sess. as amended by section 58, chapter 158, Laws of 1979 and RCW 18.71A.070 are each amended to read as follows:

There shall be appointed by the ((~~director of licensing~~)) secretary an agent whose title shall be "medical practice investigator", who shall have the duty and shall be authorized to enter the clinic, office, or premises where a ((physician's)) physician assistant is employed for the purpose of inspecting the registration and utilization of any ((physician's)) physician assistant employed therein. Said investigator may serve and execute any notice or process issued under the authority of this chapter and shall perform any other duty prescribed by the ((~~director~~)) secretary or the board, including assisting other agencies in enforcing the provisions of the law regulating the practice of medicine((~~- PROVIDED, That funds must be included in the department's 1975-77 operational budget for this program.~~)).

Sec. 8. Section 69.50.101, chapter 308, Laws of 1971 ex. sess. as last amended by section 429, chapter 9, Laws of 1989 1st ex. sess. and RCW 69.50.101 are each amended to read as follows:

As used in this chapter:

(a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(1) a practitioner, or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

(c) "Drug enforcement administration" means the federal drug enforcement administration in the United States Department of Justice, or its successor agency.

(d) "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through V of Article II.

(e) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(f) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(g) "Department" means the department of health.

(h) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(i) "Dispenser" means a practitioner who dispenses.

(j) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(k) "Distributor" means a person who distributes.

(l) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(m) "Immediate precursor" means a substance which the state board of pharmacy has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

(n) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for his or her own use or the preparation, compounding, packaging, or labeling of a controlled substance:

(1) by a practitioner as an incident to ((his)) administering or dispensing of a controlled substance in the course of his or her professional practice, or

(2) by a practitioner, or by ((his)) an authorized agent under ((his)) the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(o) "Marihuana" means all parts of the plant of the genus *Cannabis* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(p) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause 1, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(a) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(r) "Opium poppy" means the plant of the genus *Papaver* L., except its seeds, capable of producing an opiate.

(s) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(t) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(u) "Practitioner" means:

(1) A physician under chapter 18.71 RCW, a physician assistant under chapter 18.71A RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a chiroprapist under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathy and surgery in any state of the United States.

(v) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(w) "Secretary" means the secretary of health or the secretary's designee.

(x) "State", when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(y) "Ultimate user" means a person who lawfully possesses a controlled substance for his or her own use or for the use of a member of his or her household or for administering to an animal owned by him or her or by a member of his or her household.

(z) "Board" means the state board of pharmacy.

NEW SECTION. Sec. 9. Section 2, chapter 233, Laws of 1977 ex. sess., section 7, chapter 322, Laws of 1985 and RCW 18.71A.080 are each repealed.

NEW SECTION. Sec. 10. A new section is added to chapter 18.71A RCW to read as follows:

Any physician assistant acupuncturist currently licensed by the board may continue to perform acupuncture under the physician assistant license as long as he or she maintains licensure as a physician assistant.

Sec. 11. Section 2, chapter 284, Laws of 1961 as last amended by section 1, chapter 116, Laws of 1987 and RCW 18.71.015 are each amended to read as follows:

There is hereby created a board of medical examiners consisting of six individuals licensed to practice medicine in the state of Washington, one individual who is ~~((registered)) licensed as a ((physician*)) physician assistant under chapter 18.71A RCW ((who shall be entitled to vote only on matters directly related to physicians' assistants)), and ((one individual who is not a physician)) two individuals who are not physicians, to be known as the Washington state board of medical examiners.~~

The board shall be appointed by the governor. ~~((The members of the first board shall be appointed within thirty days after March 21, 1961, to serve the following terms: One member for one year, one member for two years, one member for three years, one member for four years, one member for five years, and the physician's assistant for a term of five years, from the date of their appointment, or until their successors are duly appointed and qualified.))~~ On expiration of the term of any member, the governor shall appoint for a period of five years an individual of similar qualifications to take the place of such member. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been appointed and shall have qualified.

Each member of the board shall be a citizen of the United States, must be an actual resident of this state, and, if a physician, must have been licensed to practice medicine in this state for at least five years.

The board shall meet as soon as practicable after appointment and elect a ~~((chairman)) chair and a ((secretary)) vice-chair from its members. Meetings shall be held at least four times a year and at such place as the board shall determine and at such other times and places as the board deems necessary. A majority of the board members serving shall constitute a quorum for the transaction of board business.~~

It shall require the affirmative vote of a majority of ~~((the members)) a quorum~~ of the board to carry any motion or resolution, to adopt any rule, to pass any measure, or to authorize or deny the issuance of any certificate.

Each member of the board shall be compensated in accordance with RCW 43.03.240 and in addition thereto shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060. Any such expenses shall be paid from funds appropriated to the department ~~((of licensing)).~~

Any member of the board may be removed by the governor for neglect of duty, misconduct, or malfeasance or misfeasance in office.

Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor.

Sec. 12. Section 1, chapter 2, Laws of 1983 as last amended by section 4, chapter 48, Laws of 1988 and RCW 18.71.030 are each amended to read as follows:

Nothing in this chapter shall be construed to apply to or interfere in any way with the practice of religion or any kind of treatment by prayer; nor shall anything in this chapter be construed to prohibit:

(1) The furnishing of medical assistance in cases of emergency requiring immediate attention;

(2) The domestic administration of family remedies;

(3) The administration of oral medication of any nature to students by public school district employees or private elementary or secondary school employees as provided for in chapter 28A.31 RCW, as now or hereafter amended;

(4) The practice of dentistry, osteopathy, osteopathy and surgery, nursing, chiropractic, podiatry, optometry, naturopathy or any other healing art licensed under the methods or means permitted by such license;

(5) The practice of medicine in this state by any commissioned medical officer serving in the armed forces of the United States or public health service or any medical officer on duty with the United States veterans administration while such medical officer is engaged in the performance of the duties prescribed for him or her by the laws and regulations of the United States;

(6) The practice of medicine by any practitioner licensed by another state or territory in which he or she resides, provided that such practitioner shall not open an office or appoint a place of meeting patients or receiving calls within this state;

(7) The practice of medicine by a person who is a regular student in a school of medicine approved and accredited by the board(~~(-PROVIDED, HOWEVER, That)), however, the performance of such services be only pursuant to a regular course of instruction or assignments from his or her instructor, or that such services are performed only under the supervision and control of a person licensed pursuant to this chapter:~~

(8) The practice of medicine by a person serving a period of postgraduate medical training in a program of clinical medical training sponsored by a college or university in this state or by a hospital accredited in this state(~~(-PROVIDED, HOWEVER, That)), however, the performance of such services shall be only pursuant to his or her duties as a trainee:~~

(9) The practice of medicine by a person who is regularly enrolled in a ~~((physician's))~~ physician assistant program approved by the board(~~(-PROVIDED, HOWEVER, That)), however, the performance of such services be only pursuant to a regular course of instruction in said program~~(~~(-AND PROVIDED FURTHER, That)) and such services are performed only under the supervision and control of a person licensed pursuant to this chapter:~~

(10) The practice of medicine by a ~~((registered physician's))~~ licensed physician assistant which practice is performed under the supervision and control of a physician licensed pursuant to this chapter:

(11) The practice of medicine, in any part of this state which shares a common border with Canada and which is surrounded on three sides by water, by a physician licensed to practice medicine and surgery in Canada or any province or territory thereof:

(12) The administration of nondental anesthesia by a dentist who has completed a residency in anesthesiology at a school of medicine approved by the board of medical examiners(~~(-PROVIDED, That)), however, a dentist allowed to administer nondental anesthesia shall do so only under authorization of the patient's attending surgeon, obstetrician, or psychiatrist~~(~~(-AND PROVIDED FURTHER, That)) and the medical disciplinary board shall have jurisdiction to discipline a dentist practicing under this exemption and enjoin or suspend such dentist from the practice of nondental anesthesia according to the provisions of chapter 18.72 RCW and chapter 18.130 RCW:~~

(13) Emergency lifesaving service rendered by a physician's trained mobile intravenous therapy technician, by a physician's trained mobile airway management technician, or by a physician's trained mobile intensive care paramedic, as defined in RCW 18.71.200, if the emergency lifesaving service is rendered under the responsible supervision and control of a licensed physician:

(14) The provision of clean, intermittent bladder catheterization for students by public school district employees or private school employees as provided for in RCW 18.88.295 and 28A.31.160."

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "assistance;" strike the remainder of the title and insert "amending RCW 18.71A.010, 18.71A.020, 18.71A.030, 18.71A.050, 18.71A.060, 18.71A.070, 69.50.101, 18.71.015, and 18.71.030; reenacting and amending RCW 18.71A.040; adding a new section to chapter 18.71A RCW; and repealing RCW 18.71A.080."

MOTION

On motion of Senator West, Engrossed Substitute House Bill No. 2917, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2917, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2917, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Amondson - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2917, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2503, by Representatives Vekich, Walker, R. King and Winsley (by request of Department of Labor and Industries)

Allowing supplemental pension funds to be invested.

The bill was read the second time.

MOTION

Senator Nelson moved that the following Committee on Ways and Means amendment be adopted:

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

"NEW SECTION, Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Ways and Means amendment on page 2, after line 3, to House Bill No. 2503.

The motion by Senator Nelson carried and the committee amendment was adopted.

MOTIONS

On motion of Senator McDonald, the following title amendment was adopted: On page 1, line 2 of the title, following "51.44.100" insert "; and declaring an emergency"

On motion of Senator McDonald, House Bill No. 2503, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Bender, Senator Owen was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2503, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2503, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senators Anderson, Rinehart - 2.

Excused: Senators Amondson, Owen - 2.

HOUSE BILL NO. 2503, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2567, by Representatives Todd, McLean, R. Fisher and Sprengle (by request of Governor Gardner)

Changing provisions relating to state employment.

The bill was read the second time.

MOTION

Senator McDonald moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"PART I
STATE AGENCY PERSONNEL

Sec. 101, Section 1, chapter 11, Laws of 1972 ex. sess. as last amended by section 8, chapter 96, Laws of 1989 and RCW 41.06.070 are each amended to read as follows:

The provisions of this chapter do not apply to:

(1) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature;

(2) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(3) Officers, academic personnel, and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board;

(4) The officers of the Washington state patrol;

(5) Elective officers of the state;

(6) The chief executive officer of each agency;

(7) In the departments of employment security, fisheries, social and health services, the director and his confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his confidential secretary, and his statutory assistant directors;

(8) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(a) All members of such boards, commissions, or committees;

(b) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: (i) The secretary of the board, commission, or committee; (ii) the chief executive officer of the board, commission, or committee; and (iii) the confidential secretary of the chief executive officer of the board, commission, or committee;

(c) If the members of the board, commission, or committee serve on a full-time basis: (i) The chief executive officer or administrative officer as designated by the board, commission, or committee; and (ii) a confidential secretary to the chairman of the board, commission, or committee;

(d) If all members of the board, commission, or committee serve ex officio: (i) The chief executive officer; and (ii) the confidential secretary of such chief executive officer;

(9) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(10) Assistant attorneys general;

(11) Commissioned and enlisted personnel in the military service of the state;

(12) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the state personnel board or the board having jurisdiction;

(13) The public printer or to any employees or positions in the state printing plant;

(14) Officers and employees of the Washington state fruit commission;

(15) Officers and employees of the Washington state apple advertising commission;

(16) Officers and employees of the Washington state dairy products commission;

(17) Officers and employees of the Washington tree fruit research commission;

(18) Officers and employees of the Washington state beef commission;

(19) Officers and employees of any commission formed under the provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;

(20) Officers and employees of the state wheat commission formed under the provisions of chapter 87, Laws of 1961 (chapter 15.63 RCW);

(21) Officers and employees of agricultural commissions formed under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW);

(22) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;

(23) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules and regulations adopted by the state personnel board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part time agency vendors employed by the liquor control board when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise, or services as a self-sustaining private retail business;

(24) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(25) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(26) All employees of the marine employees' commission;

~~((26))~~ (27) Up to a total of five senior staff positions of the western library network under chapter 27.26 RCW responsible for formulating policy or for directing program management of a major administrative unit. This subsection shall expire on June 30, 1997;

~~((27))~~ (28) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the personnel board stating the reasons for requesting such exemptions. The personnel board shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the board determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the personnel board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred eighty-seven for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The state personnel board shall report to each regular session of the legislature during an odd-numbered year all exemptions granted ~~((pursuant to the provisions of this subsection))~~ under subsections (24), (25), and (28) of this section, together with the reasons for such exemptions.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (10) through (22) of this section, shall be determined by the state personnel board.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary ~~((within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the personnel board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin on July 10, 1982)).~~

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

Sec. 102, Section 7, chapter 118, Laws of 1980 and RCW 41.06.430 are each amended to read as follows:

(1) The board, by rule, shall develop a career executive program which recognizes the profession of management and recognizes excellence in managerial skills in order to (a) identify, attract, and retain highly qualified executive candidates, (b) provide outstanding employees a broad opportunity for career development, and (c) provide for the mobility of such employees among agencies, it being to the advantage of the state to make the most beneficial use of individual managerial skills.

(2) To accomplish the purposes of subsection (1) of this section, the board, notwithstanding any other provision of this chapter, may provide policies and standards for recruitment, appointment, examination, training, probation, employment register control, certification, classification, salary administration, transfer, promotion, reemployment, conditions of employment, and separation separate from procedures established for other employment.

(3) The director, in consultation with affected agencies, shall recommend to the board the classified positions which may be filled by participants in the career executive program. Upon the request of an agency, management positions that are exempt from the state civil service law pursuant to RCW 41.06.070 may be included in all or any part of the career executive program: PROVIDED, That an agency may at any time, after providing written notice to the board, withdraw an exempt position from the career executive program. No employee may be placed in the career executive program without the employee's consent.

(4) The number of employees participating in the career executive program shall not exceed ~~((one))~~ two percent of the employees subject to the provisions of this chapter.

(5) The director shall monitor and review the impact of the career executive program to ensure that the responsibilities of the state to provide equal employment opportunities are diligently carried out. The director shall report to the board the impact of the career executive program on the fulfillment of such responsibilities.

(6) Any classified state employee, upon entering a position in the career executive program, shall be entitled subsequently to revert to any class or position previously held with permanent status, or, if such position is not available, revert to a position similar in nature and salary to the position previously held.

Sec. 103. Section 4, chapter 53, Laws of 1982 1st ex. sess. as last amended by section 5, chapter 365, Laws of 1985 and by section 2, chapter 461, Laws of 1985 and RCW 41.06.150 are each reenacted and amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(1) The reduction, dismissal, suspension, or demotion of an employee;

(2) Certification of names for vacancies, including departmental promotions, with the number of names equal to four more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified;

(3) Examinations for all positions in the competitive and noncompetitive service;

(4) Appointments;

(5) Training and career development;

(6) Probationary periods of six to twelve months and rejections therein, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;

(7) Transfers;

(8) Sick leaves and vacations;

(9) Hours of work;

(10) Layoffs when necessary and subsequent reemployment, both according to seniority;

(11) Determination of appropriate bargaining units within any agency; PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;

(12) Certification and decertification of exclusive bargaining representatives; PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal; PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment; PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights; AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his or her individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;

(13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;

(14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization; PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his or her official duties;

(15) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position:

(16) Allocation and reallocation of positions within the classification plan;

(17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

(18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service;

(19) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(20) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

(21) Assuring persons who are or have been employed in classified positions under chapter 28B.16 RCW will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter(;;);

(22) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables.

PART II

HIGHER EDUCATION PERSONNEL

Sec. 201. Section 4, chapter 36, Laws of 1969 ex. sess. as last amended by section 15, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.040 are each amended to read as follows:

The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(1) Members of the governing board of each institution and related boards, all presidents, vice presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairmen; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.

(2) Student, part time, or temporary employees, and part time professional consultants, as defined by the higher education personnel board, employed by institutions of higher education and related boards.

(3) The director, his confidential secretary, assistant directors, and professional education employees of the state board for community college education.

(4) The personnel director of the higher education personnel board and his confidential secretary.

(5) The governing board of each institution, and related boards, may also exempt from this chapter, subject to the employees right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic

preparation or special training, and principal assistants to executive heads of major administrative or academic divisions, as determined by the higher education personnel board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the higher education personnel board under this provision.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary (~~within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin on July 10, 1982).~~).

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided in this section.

Sec. 202. Section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 1, chapter 365, Laws of 1985 and by section 9, chapter 461, Laws of 1985 and RCW 28B.16.100 are each reenacted and amended to read as follows:

The higher education personnel board shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

- (1) The dismissal, suspension, or demotion of an employee, and appeals therefrom;
- (2) Certification of names for vacancies, including promotions, with the number of names equal to four more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists: PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified.

(3) Examination for all positions in the competitive and noncompetitive service;

(4) Appointments;

(5) Probationary periods of six to twelve months and rejections therein, depending on the job requirements of the class;

(6) Transfers;

(7) Sick leaves and vacations;

(8) Hours of work;

(9) Layoffs when necessary and subsequent reemployment, both according to seniority;

(10) Determination of appropriate bargaining units within any institution or related boards: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;

(11) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;

(12) Agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution or the related board may lawfully exercise discretion;

(13) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of

such payroll deduction by the filing of a proper prior notice by the employee with the institution and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his official duties;

(14) Adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position;

(15) Allocation and reallocation of positions within the classification plan;

(16) Adoption and revision of salary schedules and compensation plans which reflect the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 28B.16.116 and which shall be competitive in the state or the locality in which the institution or related boards are located, such adoption, revision, and implementation subject to approval as to availability of funds by the director of financial management in accordance with the provisions of chapter 43.88 RCW, and after consultation with the chief financial officer of each institution or related board for that institution or board, or in the case of community colleges, by the chief financial officer of the state board for community college education for the various community colleges;

(17) Training programs including in-service, promotional, and supervisory;

(18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service;

(19) Providing for veteran's preference as provided by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken higher education service, as defined by the board, the veteran's service in the military not to exceed five years of such service. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(20) Assuring that persons who are or have been employed in classified positions under chapter 41.06 RCW will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter; and

(21) Assuring that any person who is or has been employed in a classified position under this chapter will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions at any other institution of higher education or related board.

(22) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules consistent with federal guidelines pertaining to affirmative action. The board shall transmit a report annually to the human rights commission which states the progress each institution of higher education has made in meeting affirmative action goals and timetables.

PART III EMPLOYEE ASSISTANCE

NEW SECTION, Sec. 301. The legislature finds that:

(1) Assisting employees in resolving personal problems that impair their performance will result in a more productive work force, better morale, reduced stress, reduced use of medical benefits, reduced absenteeism, lower turnover rates, and fewer accidents;

(2) A substantial number of employee problems can be identified and the employees referred to treatment by an employee assistance program;

(3) The state, as an employer, desires to foster a working environment that promotes safety and productivity as well as the health and well-being of its employees.

Therefore, it is the purpose of sections 302 through 304 of this act to assist state employees by establishing a state employee assistance program.

NEW SECTION, Sec. 302. The employee assistance program is hereby created to provide support and services to state employees who have personal problems that impair their performance in the work place. The goal of the program is to help promote a safe, productive, and healthy state work force by assisting state employees and their supervisors to identify and deal with such personal problems. However, nothing in this chapter relieves employees from the responsibility of performing their jobs in an acceptable manner.

NEW SECTION. Sec. 303. The director of human resources shall:

(1) Administer the state employee assistance program to assist employees who have personal problems that adversely affect their job performance or have the potential of doing so;

(2) Develop policies, procedures, and activities for the program;

(3) Encourage and promote the voluntary use of the employee assistance program by increasing employee awareness and disseminating educational materials;

(4) Provide technical assistance and training to agencies on how to use the employee assistance program;

(5) Assist and encourage supervisors to identify and refer employees with problems that impair their performance by incorporating proper use of the program in management training, management performance criteria, ongoing communication with agencies, and other appropriate means;

(6) Offer substance abuse prevention and awareness activities to be provided through the employee assistance program and the state employee wellness program;

(7) Monitor and evaluate the effectiveness of the program, including the collection, analysis, and publication of relevant statistical information; and

(8) Consult with state agencies, institutions of higher education, and employee organizations in carrying out the purposes of sections 301 through 304 of this act.

NEW SECTION. Sec. 304. Individual employees' participation in the employee assistance program and all individually identifiable information gathered in the process of conducting the program shall be held in strict confidence; except that agency management may be provided with the following information about employees referred by that agency management due to poor job performance:

(1) Whether or not the referred employee made an appointment;

(2) The date and time the employee arrived and departed;

(3) Whether the employee agreed to follow the advice of counselors; and

(4) Whether further appointments were scheduled.

Participation or nonparticipation by any employee in the employee assistance program shall not be a factor in any decision affecting an employee's job security, promotional opportunities, corrective or disciplinary action, or other employment rights.

NEW SECTION. Sec. 305. Sections 301 through 304 of this act are each added to chapter 41.04 RCW.

PART IV
MISCELLANEOUS

NEW SECTION. Sec. 401. Subheadings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 402. The following are each decodified:

(1) RCW 41.06.300;

(2) RCW 41.06.320; and

(3) RCW 41.06.330.

NEW SECTION. Sec. 403. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTION

Senator Gaspard moved that the following amendments by Senators Gaspard and von Reichbauer to the Committee on Ways and Means amendment be considered simultaneously and be adopted:

On page 7, line 1, after "That" insert "in the case of management positions as defined by the board."

On page 12, line 11, after "That" insert "in the case of management positions as defined by the board."

Debate ensued.

MOTION

On motion of Senator Nelson, further consideration of Engrossed House Bill No. 2567 was deferred.

SECOND READING

ENGROSSED HOUSE BILL NO. 2714, by Representatives Padden, Appelwick, Fuhrman, Bowman, Kremen, Wolfe, Moyer, Horn, Tate and Miller

Concerning execution dates.

The bill was read the second time.

MOTION

On motion of Senator Nelson, Engrossed House Bill No. 2714 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2714.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2714 and the bill passed the Senate by the following vote: Yeas, 39; nays, 7; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West - 39.

Voting nay: Senators Hansen, Kreidler, Moore, Niemi, Rinehart, Williams, Wojahn - 7.

Absent: Senator Conner - 1.

Excused: Senators Amondson, Owen - 2.

ENGROSSED HOUSE BILL NO. 2714, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2907, by Committee on Housing (originally sponsored by Representatives Nutley, Winsley and Leonard)

Concerning mobile home relocation.

The bill was read the second time.

MOTIONS

Senator Lee moved that the following Committee on Economic Development and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 201, Laws of 1989 and RCW 59.21.010 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Director" means the director of the department of community development.

(2) "Department" means the department of community development.

(3) "Fund" means the mobile home park relocation fund established under RCW 59.21.050 consisting of tenant and landlord contributions.

(4) "Low-income" means at or below eighty percent of median household income as defined by the United States department of housing and urban development, for the county or standard metropolitan statistical area where the park is located.

(5) "Mobile home park" or "park" means real property that is rented or held out for rent to others for the placement of two or more mobile homes for the primary purpose of production of income, except where the real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

(6) "Landlord" or "park-owner" means the owner of the mobile home park that is being closed at the time relocation assistance is provided.

(7) "Relocate" means to remove the mobile home from the mobile home park being closed.

(8) "Relocation assistance" means the monetary assistance provided under RCW 59.21.020.

Sec. 2. Section 2, chapter 201, Laws of 1989 and RCW 59.21.020 are each amended to read as follows:

(1) If a mobile home park is closed or converted to another use, all affected park tenants owning a mobile home are entitled to relocation assistance from the park-owner or the fund at the time the tenant relocates as follows: (a) For a single-wide mobile home, four thousand five hundred dollars; and (b) for a double-wide or larger mobile home, seven thousand five hundred dollars. No park tenant shall receive relocation assistance from the park owner or the fund for relocation of a recreational vehicle. The relocation assistance costs shall be adjusted annually by the housing component of the consumer price index for the Washington state area.

(2) When a tenant is forced to relocate before July 1, 1991, the payment of relocation assistance as provided by this section shall be paid by the park-owner. However, if the tenant has been given notice to vacate prior to April 1, 1989, and the tenant has not yet relocated as of April 28, 1989, the payment of relocation assistance by the park-owner shall be required only if the tenant is low income.

(3) When a tenant is forced to relocate after June 30, 1991, the payment of relocation assistance to low-income park tenants as provided in this section shall be shared as follows: The landlord or park-owner shall provide one-third and the fund shall provide two-thirds.

(4) After July 1, 1992, (a) if twenty-four months' notice of closure is given, the landlord or park-owner shall provide five hundred dollars for a single-wide home or one thousand dollars for a double-wide or larger home and the fund shall provide the balance of the relocation assistance to low-income park tenants; (b) if the park-owner gives less than twenty-four months' notice the park-owner shall provide one-third and the fund shall provide two-thirds of the relocation assistance to low-income park tenants.

(5) All tenants eligible for relocation assistance shall apply for verification of eligibility to the department. The department shall issue a document to each tenant signifying the tenant's low-income status, or status other than low income to be given to the park-owner by the tenant.

(6) The park-owner shall be responsible for paying up to the full amount of relocation assistance to low-income park tenants if there are insufficient moneys in the fund. The department shall adopt rules governing disbursements of assistance from the fund and park-owner payments when there are insufficient moneys to meet the demand for relocation assistance.

(7) The park-owner shall pay park tenants who do not qualify as low-income tenants the same amount of relocation assistance that low-income park tenants are entitled to from the park-owners under this section. The landlord shall pay the relocation assistance directly to the tenant if the tenant submits to the landlord a copy of the contract entered into for the purpose of relocating the mobile home, which includes the date of relocation. The tenant may recover court costs and a reasonable attorney's fee in any action brought to require the landlord to pay relocation assistance under this subsection in which the tenant prevails.

(8) The park-owner shall make any payment to the department required by this chapter when demanded by the department; however, the department shall not demand such payment earlier than thirty days prior to the expected relocation date of the tenant. If the landlord does not pay his or her portion of the relocation assistance to the department when required by this chapter, the department shall have a lien on the real property on which the park is located. Such lien shall be collected as delinquent general property taxes and shall be forwarded to the department by the county treasurer.

~~((6))~~ (9) The director or his or her designee shall approve all expenditures from the fund.

~~((7))~~ (10) Relocation assistance contributions required from landlords or park-owners by this section shall be reduced by the amount paid or required to be paid under any other law for the same mobile home park tenant for the same relocation.

(11) Notwithstanding RCW 59.21.100, it is a violation of this chapter to request or require as a condition of initiating or renewing a tenancy in a mobile home park, a waiver of relocation assistance under this section or any other law or ordinance. Any such waiver, regardless of the date of its execution, is void and unenforceable as contrary to public policy.

Sec. 3. Section 3, chapter 201, Laws of 1989 and RCW 59.21.030 are each amended to read as follows:

Notice required by RCW 59.20.080 before park closure or conversion of the park, whether twelve months or longer, shall be given to the director and all tenants in writing, and posted at all park entrances. Notice must also include the tenant's right to relocation assistance, if applicable. Notice must also be recorded in the office of the county auditor for the county where the mobile home park is located. This section shall apply to all park closures even though notice may have been given prior to April 28, 1989.

NEW SECTION. Sec. 4. A new section is added to chapter 59.21 RCW to read as follows:

The obligation of a park-owner to pay relocation assistance under this chapter runs with the land and is binding upon purchasers, successors and assigns of any park-owner obligated to provide relocation assistance under this chapter.

Sec. 5. Section 5, chapter 201, Laws of 1989 and RCW 59.21.050 are each amended to read as follows:

(1) The mobile home park relocation fund is created in the custody of the state treasurer. All legislative appropriations for mobile home relocation assistance, receipts from ~~((assessments)) fees~~ collected under ~~((RCW 59.21.060)) this chapter~~, and amounts required to be paid by park-owners to low-income park tenants shall be deposited into the fund. Expenditures from the fund may be used only for ~~((administration of the fund;))~~ relocation assistance under RCW 59.21.020, or transfer to the mobile home park purchase fund under subsection (2) of this section. Only the director of community development or the director's designee may authorize expenditures from the fund. All relocation payments to low-income park tenants, including those due from the park-owner shall be made from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(2) The state treasurer shall maintain the fund and shall invest the fund moneys. Moneys earned on these investments shall be deposited in the fund and shall be used for the same purposes as other fund moneys. Unexpended and unencumbered moneys that remain in the fund at the end of the fiscal year do not revert to the state general fund but remain in the fund, separately accounted for, as a contingency reserve, or if the director determines at the end of any fiscal year beginning after December 31, 1991, that the fund contains a surplus over the projected amount needed for relocation during the upcoming year(s), any surplus may be transferred to the mobile home park purchase fund created by chapter 59.22 RCW. However, the director may cause any uncommitted funds in the mobile home park purchase fund which were transferred from the mobile home park relocation fund to be transferred back to the mobile home park relocation fund if that fund cannot otherwise meet its current obligations.

(3) A low-income park tenant who is entitled to relocation assistance under this chapter is entitled to payment only after submitting an application which includes: (a) A copy of the notice from the park-owner that the tenancy is terminated due to closure of the park; (b) a copy of the rental agreement currently in force; and (c) a copy of the contract entered into for the purpose of relocating the mobile home, which includes the date of relocation.

(4) The director may adopt rules for the administration of the fund.

~~((5) The department may use money from the fund to offset the necessary costs of administering the fund. Administrative cost reimbursement shall not exceed fifty thousand dollars or five percent of the revenue to the fund for any given fiscal year, whichever is greater, to offset expenses incurred during that year.))~~

Sec. 6. Section 6, chapter 201, Laws of 1989 and RCW 59.21.060 are each amended to read as follows:

(1) There is hereby ~~((placed))~~ imposed a fee of sixty-five dollars on ((all)) every transfer of title on new or used mobile homes ((located in mobile home parks an annual assessment of eleven dollars per mobile home beginning on January 1, 1990. The assessment shall be collected by the county treasurer or treasurers within the county or counties where the mobile home or the mobile home park is located. Notice of the assessment created under this section may be included on the notice of property taxes due, or may be sent separately from the notice of property taxes due. The assessment created under this section shall be due at the same time property taxes are due and shall constitute a lien on the mobile home upon which the assessment is imposed. Delinquent assessments created under this section shall be foreclosed in the same manner, and subject to the same time schedules, interest, and penalties as delinquent property taxes. County treasurers may impose a fee for collecting the assessment created in this section not to exceed five percent of the dollar value of the collection of assessments created under this section. The county treasurer may collect the assessment for 1990 at the same time the county treasurer collects the assessment for 1991 if the county treasurer would experience undue hardship in collecting the 1990 assessment in that year.

(2) ~~Upon the request of the treasurer of the county or counties where the mobile home park is located, each park-owner shall provide the county treasurer with a list of all tenants residing in the park on January 1, 1989. This list shall be mailed by August 1, 1989, to the treasurer or treasurers of the county or counties where the mobile home park is located. The list shall include the name and address of each tenant, and the mobile home tax number of each tenant if available. Upon the request of the treasurer of the county or counties where the mobile home park is located, the park-owners shall update the list of tenants residing in the park.~~

(3) ~~The assessments collected under subsection (1) of this section shall be forwarded to the state treasurer, less any administration fee collected by the county treasurer under this section. The state treasurer shall deposit one dollar of the assessment collected per mobile home in the mobile home affairs account created by RCW 59.22.070; the remainder of the assessment forwarded to the state treasurer under this subsection shall be deposited in the mobile home park relocation fund created under RCW 59.21.050.~~

(4) ~~where ownership of the mobile home is changed by any transaction including but not limited to sales and gift transactions and transfers of ownership which involve elimination of title under chapter 65.20. The county auditor or county treasurer shall collect the fee as provided in chapter 82.08 or 82.45 RCW. The fee collected under this section shall be forwarded to the state treasurer. The state treasurer shall deposit fifty dollars of each fee collected in the mobile home park relocation fund created under RCW 59.21.050 and the remaining fifteen dollars of each fee collected in the mobile home affairs account created by RCW 59.22.070.~~

(2) ~~The department of revenue, the department of licensing, and the state treasurer((and the county treasurers)) may enact any rules necessary to carry out this section.~~

Sec. 7. Section 28A.45.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 192, Laws of 1984 and RCW 82.45.090 are each amended to read as follows:

The tax imposed by this chapter ~~and the fee imposed in RCW 59.21.060(1)~~ shall be paid to and collected by the treasurer of the county within which is located the real property which was sold, said treasurer acting as agent for the state. The county treasurer shall cause a stamp evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to its recording or to the real estate excise tax affidavit in the case of used mobile home sales and used floating home sales. A receipt issued by the county treasurer for the payment of the tax

imposed under this chapter shall be evidence of the satisfaction of the lien imposed hereunder and may be recorded in the manner prescribed for recording satisfactions of mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax shall be accepted by the county auditor for filing or recording until the tax shall have been paid and the stamp affixed thereto; in case the tax is not due on the transfer, the instrument shall not be so accepted until suitable notation of such fact has been made on the instrument by the treasurer.

Sec. 8. Section 1, chapter 89, Laws of 1987 and RCW 82.08.065 are each amended to read as follows:

In the collection of the sales tax on mobile homes and the fee imposed in RCW 59.21.060(1), the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax and the fee at the time the mobile home dealer or selling agent applies for a new certificate of ownership for such mobile home in the instance where transfer of ownership was from a mobile home dealer or person deemed a selling agent under RCW 82.04.480, except where the applicant presents a written statement signed by the department of revenue or its duly authorized agent showing that no retail sales tax or use tax is legally due. The term "mobile home" as used in this section means a mobile home as defined in RCW 46.04.302. It shall be the duty of every mobile home dealer or selling agent to declare upon the application for a new certificate of ownership the selling price paid for the mobile home. Any person willfully misrepresenting, or failing or refusing to declare upon the application, such selling price shall be guilty of a gross misdemeanor.

Each county auditor who acts as agent of the department of revenue shall at the time of remitting license fee receipts on motor vehicles subject to the provisions of RCW 82.12.045 pay over and account to the state treasurer for all sales tax revenue collected under this section, after first deducting as his or her collection fee the sum of two dollars for each mobile home upon which the tax has been collected.

Any applicant who has paid sales tax to a county auditor under this section may apply to the department of revenue for refund thereof if he has reason to believe that such tax was not legally due and owing. No refund is allowed unless application therefor is received by the department of revenue within four years after payment of the tax. Upon receipt of an application for refund the department of revenue shall consider the same and issue its order either granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in RCW 82.32.170, 82.32.180, and 82.32.190.

The provisions of this section shall be construed as cumulative of other methods prescribed in chapters 82.04 to 82.32 RCW, inclusive, for the collection of the tax imposed by this chapter. The department of revenue shall have power to adopt such rules as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of licensing but no collection fee shall be deductible by the director of licensing in remitting sales tax revenue to the state treasurer.

Sec. 9. Section 11, chapter 201, Laws of 1989 and RCW 59.21.080 are each amended to read as follows:

Before a mobile home park-owner may close a mobile home park or convert it to another use, the owner shall pay amounts owed for relocation assistance under RCW 59.21.020 to the ~~(state treasurer)~~ department for deposit into the fund. A park-owner may give notice as required by RCW 59.20.080 and this chapter before payment of these amounts.

Sec. 10. Section 4, chapter 280, Laws of 1988 as amended by section 7, chapter 201, Laws of 1989 and RCW 59.22.060 are each amended to read as follows:

(1) Every landlord shall register by October 1, 1988, with the department of revenue under such rules as that department shall prescribe.

(2) Every landlord shall pay a fee of one dollar per lot per year, except for unoccupied lots, until December 31, 1990. This fee shall be remitted by the landlord to the department of revenue under such rules as the department shall prescribe. The department of revenue shall forward the one-dollar fee per lot paid by the landlord to the mobile home affairs account created by RCW 59.22.070.

~~((3) This section shall take effect on January 1, 1990.))~~

NEW SECTION. Sec. 11. Sections 6, 7, and 8 of this act shall take effect July 1, 1990.

NEW SECTION. Sec. 12. Section 13, chapter 201, Laws of 1989 and RCW 59.21.090 are each repealed."

On motion of Senator Lee, the following amendment by Senators Lee, Murray and von Reichbauer to the Committee on Economic Development and Labor striking amendment was adopted:

On page 5, line 38, after "policy," insert the following:

"(12) Any park owner coercing or attempting to coerce a tenant into terminating a tenancy for the purpose of avoiding the payment of relocation assistance shall give rise to a civil cause of action for damages or equitable relief by a tenant injured by such act."

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Economic Development and Labor striking amendment, as amended, to Engrossed Substitute House Bill No. 2907.

The Committee on Economic Development and Labor striking amendment, as amended, to Engrossed Substitute House Bill No. 2907 was adopted.

MOTIONS

On motion of Senator Lee, the following title amendment was adopted:

On page 1, line 1 of the title, after "relocation;" strike the remainder of the title and insert "amending RCW 59.21.010, 59.21.020, 59.21.030, 59.21.050, 59.21.060, 82.45.090, 82.08.065, 59.21.080, and 59.22.060; adding a new section to chapter 59.21 RCW; repealing RCW 59.21.090; and providing an effective date."

On motion of Senator Lee, Engrossed Substitute House Bill No. 2907, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2907, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2907, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 11; absent, 1; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, Lee, Madsen, Metcalf, Moore, Murray, Nelson, Niemi, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 35.

Voting nay: Senators Anderson, Barr, Benitz, Cantu, Hayner, Johnson, Matson, McCaslin, McDonald, Newhouse, Sellar - 11.

Absent: Senator McMullen - 1.

Excused: Senators Amondson, Owen - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2907, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

SECOND READING

ENGROSSED HOUSE BILL NO. 2655, by Representatives R. Fisher and Pruitt

Changing reporting requirements for lobbyists and for employers of lobbyists.

The bill was read the second time.

MOTIONS

On motion of Senator McCaslin, the following Committee on Governmental Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The provisions of this act which repeal the reporting requirements established by chapter 423, Laws of 1987 for registered lobbyists and employers of lobbyists are not intended to alter, expand, or restrict whatsoever the definition of "lobby" or "lobbying" contained in RCW 42.17.020 as it existed prior to the enactment of chapter 423, Laws of 1987.

Sec. 2. Section 2, chapter 1, Laws of 1973 as last amended by section 89, chapter 175, Laws of 1989 and by section 1, chapter 280, Laws of 1989 and RCW 42.17.020 are each reenacted and amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

- (3) "Depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.
- (4) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.
- (5) "Candidate" means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:
- Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or
 - Announces publicly or files for office.
- (6) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.
- (7) "Commission" means the agency established under RCW 42.17.350.
- (8) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.241, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.
- (9) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.
- (10) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include interest on moneys deposited in a political committee's account, ordinary home hospitality and the rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. Volunteer services, for the purposes of this chapter, means services or labor for which the individual is not compensated by any person. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of the tickets, and only the excess over the actual cost of the consumables shall be deemed a contribution.
- (11) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.
- (12) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.
- (13) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.
- (14) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported.
- (15) "Final report" means the report described as a final report in RCW 42.17.080(2).
- (16) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household.
- (17) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

(18) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

(19) "Lobbyist" includes any person who lobbies either in his own or another's behalf.

(20) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist.

(21) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(22) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, the term "person in interest" means and includes the parent or duly appointed legal representative.

(23) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

(24) "Political committee" means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

(25) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(26) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(27) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065.

(28) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

Sec. 3. Section 17, chapter 1, Laws of 1973 as last amended by section 90, chapter 175, Laws of 1989 and RCW 42.17.170 are each amended to read as follows:

(1) Any lobbyist registered under RCW 42.17.150 and any person who lobbies shall file with the commission periodic reports of his activities signed by the lobbyist. The reports shall be made in the form and manner prescribed by the commission. They shall be due monthly and shall be filed within fifteen days after the last day of the calendar month covered by the report.

(2) Each such monthly periodic report shall contain:

(a) The totals of all expenditures for lobbying activities made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report. ~~((As used in this section, "lobbying activities" includes, but is not limited to, the development of legislation or rules, the development of support for or opposition to legislation or rules, and attempts to influence the development of legislation or rules.))~~ Such totals for lobbying activities shall be segregated according to financial category, including compensation; food and refreshments; living accommodations; advertising; travel; contributions; and other expenses or services. Each individual expenditure of more than twenty-five dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein but without allocating any portion of such expenditure to individual participants.

Notwithstanding the foregoing, lobbyists are not required to report the following:

- (i) Unreimbursed personal living and travel expenses not incurred directly for lobbying;
- (ii) Any expenses incurred for his or her own living accommodations;
- (iii) Any expenses incurred for his or her own travel to and from hearings of the legislature;
- (iv) Any expenses incurred for telephone, and any office expenses, including rent and salaries and wages paid for staff and secretarial assistance.

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(c) An Itemized listing of each such expenditure in the nature of a contribution of money or of tangible or intangible personal property to any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition, or for or on behalf of any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition shall be identified by date, amount, and the name of the candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition receiving, or to be benefited by each such contribution.

(d) The subject matter of proposed legislation or other legislative activity or rule-making under chapter 34.05 RCW, the state Administrative Procedure Act, and the state agency considering the same, which the lobbyist has been engaged in supporting or opposing during the reporting period.

(e) Such other information relevant to lobbying activities as the commission shall by rule prescribe. Information supporting such activities as are required to be reported is subject to audit by the commission.

Sec. 4, Section 18, chapter 1, Laws of 1973 as last amended by section 2, chapter 423, Laws of 1987 and RCW 42.17.180 are each amended to read as follows:

(1) Every employer of a lobbyist registered under this chapter during the preceding calendar year shall file with the commission on or before March 31st of each year a statement disclosing for the preceding calendar year the following information:

((+)) (a) The name of each state elected official and the name of each candidate for state office who was elected to the office and any member of the immediate family of those persons to whom the employer has paid any compensation in the amount of five hundred dollars or more during the preceding calendar year for personal employment or professional services, including professional services rendered by a corporation, partnership, joint venture, association, union, or other entity in which the person holds any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more, the value of the compensation in accordance with the reporting provisions set out in RCW 42.17.241(2), and the consideration given or performed in exchange for the compensation.

((?) (b) The name of each state elected official, successful candidate for state office, or members of his immediate family to whom the lobbyist employer made expenditures, directly or indirectly, either through a lobbyist or otherwise, the amount of the expenditures and the purpose for the expenditures. For the purposes of this subsection, the term expenditure shall not include any expenditure made by the employer in the ordinary course of business if the expenditure is not made for the purpose of influencing, honoring, or benefiting the elected official, successful candidate, or member of his immediate family, as an elected official or candidate.

((?) (c) The total expenditures made by the employer for lobbying purposes, whether through or on behalf of a registered lobbyist or otherwise. ~~((For the purposes of this subsection, "lobbying purposes" includes, but is not limited to, the development of legislation or rules, the development of support for or opposition to legislation or rules, and attempts to influence the development of legislation or rules.~~

((4)) (d) All contributions made to a candidate for state office, to a political committee supporting or opposing a candidate for state office, or to a political committee supporting or opposing a state-wide ballot proposition. Such contributions shall be identified by the name and the address of the recipient and the aggregate amount contributed to each such recipient.

((5)) (e) The name and address of each registered lobbyist employed by the employer and the total expenditures made by the employer for each such lobbyist for lobbying purposes. ~~((As used in this subsection, "lobbying purposes" includes, but is not limited to, the development of legislation or rules, the development of support for or opposition to legislation or rules, and attempts to influence the development of legislation or rules.~~

((6)) (f) Such other information as the commission prescribes by rule.

(2) (a) Except as provided in (b) of this subsection, an employer of a lobbyist registered under this chapter shall file a special report with the commission if the employer makes a contribution or contributions aggregating more than one hundred dollars in a calendar month to any one of the following: A candidate, elected official, officer or employee of an agency, or political committee. The report shall identify the date and amount of each such contribution and the name of the candidate, elected official, agency officer or employee, or political committee receiving the contribution or to be benefited by the contribution. The report shall be filed on a form prescribed by the commission and shall be filed within fifteen days after the last day of the calendar month during which the contribution was made.

(b) The provisions of (a) of this subsection do not apply to a contribution which is made through a registered lobbyist and reportable under RCW 42.17.170.

Sec. 5. Section 20, chapter 1, Laws of 1973 as amended by section 10, chapter 367, Laws of 1985 and RCW 42.17.200 are each amended to read as follows:

(1) Any person who has made expenditures, not reported ~~((under other sections of this chapter))~~ by a registered lobbyist under RCW 42.17.170 or by a candidate or political committee under RCW 42.17.065 or 42.17.080, exceeding five hundred dollars in the aggregate within any three-month period or exceeding two hundred dollars in the aggregate within any one-month period in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislation shall be required to register and report, as provided in subsection (2) of this section, as a sponsor of a grass roots lobbying campaign.

(2) Within thirty days after becoming a sponsor of a grass roots lobbying campaign, the sponsor shall register by filing with the commission a registration statement, in such detail as the commission shall prescribe, showing:

(a) The sponsor's name, address, and business or occupation, and, if the sponsor is not an individual, the names, addresses, and titles of the controlling persons responsible for managing the sponsor's affairs;

(b) The names, addresses, and business or occupation of all persons organizing and managing the campaign, or hired to assist the campaign, including any public relations or advertising firms participating in the campaign, and the terms of compensation for all such persons;

(c) The names and addresses of each person contributing twenty-five dollars or more to the campaign, and the aggregate amount contributed;

(d) The purpose of the campaign, including the specific legislation, rules, rates, standards, or proposals that are the subject matter of the campaign;

(e) The totals of all expenditures made or incurred to date on behalf of the campaign, which totals shall be segregated according to financial category, including but not limited to the following: Advertising, segregated by media, and in the case of large expenditures (as provided by rule of the commission), by outlet; contributions; entertainment, including food and refreshments; office expenses including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof paid or incurred for lobbying campaign activities; consultants; and printing and mailing expenses.

(3) Every sponsor who has registered under this section shall file monthly reports with the commission, which reports shall be filed by the tenth day of the month for the activity during the preceding month. The reports shall update the information contained in the sponsor's registration statement and in prior reports and shall show contributions received and totals of expenditures made during the month, in the same manner as provided for in the registration statement.

(4) When the campaign has been terminated, the sponsor shall file a notice of termination with the final monthly report, which notice shall state the totals of all contributions and expenditures made on behalf of the campaign, in the same manner as provided for in the registration statement."

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 1 of the title, after "law;" strike the remainder of the title and insert "amending RCW 42.17.170, 42.17.180, and 42.17.200; reenacting and amending RCW 42.17.020; and creating a new section."

MOTION

On motion of Senator McCaslin, Engrossed House Bill No. 2655, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator McCaslin, I'm trying to understand exactly what this bill does. If a lobbying enterprise or an individual lobbyist decides that they need the assistance of Bogle and Gates and they hire that law firm at the cost of \$25,000 to develop legislation and they hire an engineering firm and a graphic firm to prepare graphic materials to impress all of us in the Legislature with respect to a piece of legislation, none of that kind of preparation cost would be disclosed anymore?"

Senator McCaslin: "Well, that is true as far as the development of legislation. I suppose that word would get out, Phil, and, of course, they would look at that, but in developing legislation, they need not report those expenditures. Now, whether or not they get to \$25,000, I have no idea."

Senator Talmadge: "The second question that I had, Bob, is the question of the definition of lobbying which now appears to exclude an association or other

organization's act of communicating with members of the association or organization. If I am with US West, and I decide I want to communicate with all of my customers and send them materials relating to a piece of legislation pending before the Legislature, they no longer have to disclose the cost of that communication to their members or to their customers or to their shareholders or anybody else?"

Senator McCaslin: "Well, I suppose it depends on the wording and how it is framed. You know I've seen--I've been with corporations that send out information on pending legislation, but they are not saying to support it or not support it. It is as far as information is concerned. That gets into a grey area, Senator Talmadge, that I don't have the legal background to answer."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2655, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2655, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; nays, 20; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, Moore, Nelson, Newhouse, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Stratton, Sutherland, Thorsness, West - 28.

Voting nay: Senators Bender, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, McMullen, Metcalf, Murray, Niemi, Owen, Rinehart, Smitherman, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 20.

Excused: Senator Amondson - 1.

ENGROSSED HOUSE BILL NO. 2655, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER OF BUSINESS

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 2929 was made a special order of business at 4:45 p.m. today.

SECOND READING

HOUSE BILL NO. 2808, by Representatives H. Myers and Appelwick

Changing the requirements for appointing court commissioners.

The bill was read the second time.

MOTIONS

On motion of Senator DeJarnatt, the following amendment was adopted:

On page 1, after line 13 insert the following:

"Sec. 2. Section 10, chapter 299, Laws of 1961 as last amended by section 6, chapter 227, Laws of 1989 and RCW 3.34.010 are each amended to read as follows:

The number of district judges to be elected in each county shall be: Adams, three; Asotin, one; Benton, two; Chelan, one; Clallam, one; Clark, four; Columbia, one; Cowlitz, two; Douglas, one; Ferry, two; Franklin, one; Garfield, one; Grant, one; Grays Harbor, two; Island, three; Jefferson, one; King, twenty-four; Kitsap, two; Kittitas, two; Klickitat, two; Lewis, two; Lincoln, one; Mason, one; Okanogan, two; Pacific, ((three)) two; Pend Oreille, two; Pierce, eight; San Juan, one; Skagit, three; Skamania, one; Snohomish, eight; Spokane, eight; Stevens, two; Thurston, one; Wahkiakum, one; Walla Walla, three; Whatcom, two; Whitman, two; Yakima, six; PROVIDED, That this number may be increased in accordance with a resolution of the county commissioners under RCW 3.34.020."

On motion of Senator DeJarnatt, the following title amendment was adopted:

On page 1, line 2 of the title, after "2.24.010" insert "and 3.34.010"

MOTION

On motion of Senator Nelson, House Bill No. 2808, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2808, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2808, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Amondson - 1.

HOUSE BILL NO. 2808, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4030, by Representatives D. Sommers, Dellwo, Moyer, Silver, Rector, Schmidt, R. Fisher, R. Meyers, Fuhrman, Baugher, Prince, Nealey, Rayburn, Ferguson, Hankins, Doty, Forner, Beck, S. Wilson, Wolfe, Tate, Van Luvan, Padden and Brough

Requesting that the new Division Street Bridge in Spokane be named the Sam Guess Memorial Bridge.

The joint memorial was read the second time.

MOTION

On motion of Senator Nelson, House Joint Memorial No. 4030 was advanced to third reading, the second reading considered the third, and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4030.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4030 and the joint memorial passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Amondson - 1.

HOUSE JOINT MEMORIAL NO. 4030, having received the constitutional majority, was declared passed.

MOTION

At 12:05 p.m., on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:08 p.m. by President Pritchard.

SECOND READING

ENGROSSED HOUSE BILL NO. 2289, by Representatives Sayan, R. King, Bowman, Haugen, Morris, Brumsickle, Brooks, Spanel, Basich, Smith, Jacobsen, Wineberry, Anderson, Wang, Vekich, Dellwo and P. King (by request of Department of Fisheries)

Increasing the reimbursements for Washington conservation corps members.

The bill was read the second time.

MOTION

On motion of Senator Lee, Engrossed House Bill No. 2289 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2289.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2289 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 3; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senator McCaslin - 1.

Absent: Senators Conner, Craswell, Fleming - 3.

Excused: Senator Amondson - 1.

ENGROSSED HOUSE BILL NO. 2289, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Bender, Senators Conner and Fleming were excused.

On motion of Senator Anderson, Senator Craswell was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 2832, by Representatives Youngsman, Rayburn, McLean, Doty and Nealey

Revising provisions for horticultural plants and facilities.

The bill was read the second time.

MOTIONS

On motion of Senator Barr, the following Committee on Agriculture amendment was adopted:

On page 10, after line 34, strike all material through "section, a" on page 11, line 5 and insert "(~~(1) Any person violating the provisions of this chapter or rules adopted hereunder is guilty of a misdemeanor and guilty of a gross misdemeanor for any subsequent offense, however, any offense committed more than five years after a previous conviction shall be considered a first offense.~~)

(2) in lieu of any other penalty imposed under this section:)) A"

On motion of Senator Barr, Engrossed House Bill No. 2832, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2832, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2832, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Excused: Senators Amondson, Conner, Craswell, Fleming - 4.

ENGROSSED HOUSE BILL NO. 2832, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2906, by Committee on Housing (originally sponsored by Representatives Leonard, Winsley, Nutley, Phillips, Prentice, Cole, Locke, Wineberry, Anderson, Todd, Vekich and Rector)

Providing for the clean-up or elimination of contaminated properties.

The bill was read the second time.

MOTIONS

Senator West moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that some properties are being contaminated by hazardous chemicals used in unsafe or illegal ways in the manufacture of illegal drugs. Innocent members of the public may be harmed by the residue left by these chemicals when the properties are subsequently rented or sold without having been decontaminated.

NEW SECTION. Sec. 2. The words and phrases defined in this section shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.

(1) "Authorized contractor" means a person who decontaminates, demolishes, or disposes of contaminated property as required by this act who is: (a) Certified in this section shall have the following provided for in section 7 of this act, or (b) until January 1, 1991, listed with the department as provided for in section 8 of this act.

(2) "Contaminated" or "contamination" means polluted by hazardous chemicals so that the property is unfit for human habitation or use due to immediate or long-term hazards. Property that at one time was contaminated but has been satisfactorily decontaminated according to procedures established by the state board of health is not "contaminated."

(3) "Hazardous chemicals" means the following substances used in the manufacture of illegal drugs: (a) Hazardous substances as defined in RCW 70.105D.020, and (b) precursor substances as defined in RCW 69.43.010 which the state board of health, in consultation with the state board of pharmacy, has determined present an immediate or long-term health hazard to humans.

(4) "Officer" means a local health officer authorized under chapters 70.05, 70.08, and 70.46 RCW.

(5) "Property" means any property, site, structure, or part of a structure which is involved in the unauthorized manufacture or storage of hazardous chemicals. This includes but is not limited to single-family residences, units of multiplexes, condominiums, apartment buildings, boats, motor vehicles, trailers, manufactured housing, or any shop, booth, or garden.

NEW SECTION. Sec. 3. Whenever a law enforcement agency becomes aware that property has been contaminated by hazardous chemicals, that agency shall report the contamination to the local health officer. The local health officer shall cause a posting of a notice on the premises immediately upon being notified of the contamination and shall cause an inspection to be done on the property within fourteen days after receiving the notice of contamination. If a property owner believes that a tenant has contaminated property that was being leased or rented, and the property is vacated or abandoned, then the property owner shall contact the local health officer about the possible contamination. Local health officers or boards may charge reasonable fees for inspections of property requested by property owners.

If property is determined to be contaminated, then the local health officer shall cause a posting of a notice on the premises. A local health officer may enter, inspect, and survey at reasonable times any properties for which there are reasonable grounds to believe that the property has become contaminated.

Local health officers must report all cases of contaminated property to the state department of health. The department may make the list of contaminated properties available to health associations, landlord and realtor organizations, prosecutors, and other interested groups. The department shall promptly update the list of contaminated properties to remove those which have been decontaminated according to provisions of this chapter.

NEW SECTION. Sec. 4. If after the inspection of the property, the local health officer finds that it is contaminated, then the property shall be found unfit for use. The local health officer shall cause to be served either personally or by certified mail, with return receipt requested, upon all occupants and persons having any interest therein as shown upon the records of the auditor's office of the county in which such property is located, and shall post in a conspicuous place on the property, an order prohibiting use. If the whereabouts of such persons is unknown and the same cannot be ascertained by the local health officer in the exercise of reasonable diligence, and the health officer makes an affidavit to that effect, then the serving of the order upon such persons may be made either by personal service or by mailing a copy of the order by certified mail, postage prepaid, return receipt requested, to each person at the address appearing on the last equalized tax assessment roll of the county where the property is located or at the address known to the county assessor, and the order shall be posted conspicuously at

the residence. A copy of the order shall also be mailed, addressed to each person or party having a recorded right, title, estate, lien, or interest in the property. Such order shall contain a notice that a hearing before the local health board or officer shall be held upon the request of a person required to be notified of the order under this section. The request for a hearing must be made within ten days of serving the order. The hearing shall then be held within not less than twenty days nor more than thirty days after the serving of the order. The officer shall prohibit use as long as the property is found to be contaminated. A copy of the order shall also be filed with the auditor of the county in which the property is located, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. In any hearing concerning whether property is fit for use, the property owner has the burden of showing that the property is decontaminated or fit for use. The owner or any person having an interest in the property may file an appeal on any order issued by the local health board or officer within thirty days from the date of service of the order with the appeals commission established pursuant to RCW 35.80.030. All proceedings before the appeals commission, including any subsequent appeals to superior court, shall be governed by the procedures established in chapter 35.80 RCW.

NEW SECTION. Sec. 5. The city or county in which the contaminated property is located may take action to condemn or demolish property or to require the property be vacated or the contents removed from the property. The city or county must use an authorized contractor if property is demolished or removed under this section. No city or county may condemn or demolish property pursuant to this section until all procedures granting the right of notice and the opportunity to appeal in section 4 of this act have been exhausted.

NEW SECTION. Sec. 6. An owner of contaminated property who desires to have the property decontaminated must use the services of an authorized contractor to decontaminate the property. The contractor shall prepare and submit a written work plan for decontamination to the local health officer. If the work plan is approved and the decontamination is completed and the property is retested according to the plan and properly documented, then the health officer shall allow reuse of the property. A notice shall be recorded in the real property records if applicable, indicating the property has been decontaminated in accordance with rules of the state department of health.

NEW SECTION. Sec. 7. (1) After January 1, 1991, a contractor may not perform decontamination, demolition, or disposal work unless issued a certificate by the state department of health. The department shall establish performance standards for contractors by rule in accordance with chapter 34.05 RCW, the administrative procedure act. The department shall train and test, or may approve courses to train and test, contractors and their employees on the essential elements in assessing property used as an illegal drug manufacturing or storage site to determine hazard reduction measures needed, techniques for adequately reducing contaminants, use of personal protective equipment, methods for proper demolition, removal, and disposal of contaminated property, and relevant federal and state regulations. Upon successful completion of the training, the contractor or employee shall be certified.

(2) The department may require the successful completion of annual refresher courses provided or approved by the department for the continued certification of the contractor or employee.

(3) The department shall provide for reciprocal certification of any individual trained to engage in decontamination, demolition, or disposal work in another state when the prior training is shown to be substantially similar to the training required by the department. The department may require such individuals to take an examination or refresher course before certification.

(4) The department may deny, suspend, or revoke a certificate for failure to comply with the requirements of this chapter or any rule adopted pursuant to this chapter. A certificate may be denied, suspended, or revoked on any of the following grounds:

(a) Failing to perform decontamination, demolition, or disposal work under the supervision of trained personnel;

(b) Failing to file a work plan;

(c) Failing to perform work pursuant to the work plan;

(d) Failing to perform work that meets the requirements of the department; or

(e) The certificate was obtained by error, misrepresentation, or fraud.

(5) A contractor who violates any provision of this chapter may be assessed a fine not to exceed five hundred dollars for each violation.

(6) The department of health shall prescribe fees as provided for in RCW 43.70.250 for the issuance and renewal of certificates, the administration of examinations, and for the review of training courses.

(7) The decontamination account is hereby established in the state treasury. All fees collected under this chapter shall be deposited in this account. Moneys in the account may only be spent after appropriation for costs incurred by the department in the administration and enforcement of this chapter.

NEW SECTION. Sec. 8. Until January 1, 1991, a property owner who wishes to have property decontaminated in accordance with the provisions of this act, shall contact the state

department of health to receive a list of environmental service contractors who perform decontamination work. The property owner may choose any contractor on the list to perform the necessary work.

NEW SECTION. Sec. 9. The state board of health shall promulgate rules and standards for carrying out the provisions in this chapter in accordance with chapter 34.05 RCW, the administrative procedure act. The local board of health and the local health officer are authorized to exercise such powers as may be necessary to carry out this chapter. The department shall provide technical assistance to local health boards and health officers to carry out their duties under sections 1 through 11 of this act. The department shall develop guidelines for decontamination of a property used as a drug laboratory and methods for the testing of ground water, surface water, soil, and septic tanks for contamination.

NEW SECTION. Sec. 10. Members of the state board of health and local boards of health, local health officers, and employees of the department of health and local health departments are immune from civil liability arising out of the performance of their duties under this chapter, unless such performance constitutes gross negligence or intentional misconduct.

NEW SECTION. Sec. 11. This chapter shall not limit state or local government authority to act under any other statute, including chapter 35.80 or 7.48 RCW.

Sec. 12. Section 15, chapter 2, Laws of 1983 as last amended by section 212, chapter 271, Laws of 1989 and RCW 69.50.505 are each amended to read as follows:

(a) The following are subject to seizure and forfeiture and no property right exists in them:

(1) All controlled substances which have been manufactured, distributed, dispensed, acquired, or possessed in violation of this chapter or chapter 69.41 or 69.52 RCW, and all hazardous chemicals, as defined in section 2 of this act, used or intended to be used in the manufacture of controlled substances;

(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

(3) All property which is used, or intended for use, as a container for property described in paragraphs (1) or (2);

(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, in any manner to facilitate the sale of property described in paragraphs (1) or (2), except that:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter or chapter 69.41 or 69.52 RCW;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge or consent;

(iii) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(iv) When the owner of a conveyance has been arrested under this chapter or chapter 69.41 or 69.52 RCW the conveyance in which the person is arrested may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter or chapter 69.41 or 69.52 RCW;

(6) All drug paraphernalia;

(7) All moneys, negotiable instruments, securities, or other tangible or intangible property of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible or intangible personal property, proceeds, or assets acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter or chapter 69.41 or 69.52 RCW: PROVIDED, That a forfeiture of money, negotiable instruments, securities, or other tangible or intangible property encumbered by a bona fide security interest is subject to the interest of the secured party if, at the time the security interest was created, the secured party neither had knowledge of nor consented to the act or omission: PROVIDED FURTHER, That no personal property may be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission which that owner establishes was committed or omitted without the owner's knowledge or consent; and

(8) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements which are being used with the knowledge of the owner for the manufacturing, compounding, processing, delivery, importing, or exporting of any controlled substance, or which have been acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or

69.52 RCW, if such activity is not less than a class C felony and a substantial nexus exists between the commercial production or sale of the controlled substance and the real property: PROVIDED, That:

(i) No property may be forfeited pursuant to this subsection, to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent:

(ii) The bona fide gift of a controlled substance, legend drug, or imitation controlled substance shall not result in the forfeiture of real property;

(iii) The possession of marijuana shall not result in the forfeiture of real property unless the marijuana is possessed for commercial purposes, the amount possessed is five or more plants or one pound or more of marijuana, and a substantial nexus exists between the possession of marijuana and the real property. In such a case, the intent of the offender shall be determined by the preponderance of the evidence, including the offender's prior criminal history, the amount of marijuana possessed by the offender, the sophistication of the activity or equipment used by the offender, and other evidence which demonstrates the offender's intent to engage in commercial activity;

(iv) The unlawful sale of marijuana or a legend drug shall not result in the forfeiture of real property unless the sale was forty grams or more in the case of marijuana or one hundred dollars or more in the case of a legend drug, and a substantial nexus exists between the unlawful sale and the real property; and

(v) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, at the time the security interest was created, neither had knowledge of nor consented to the act or omission.

(b) Real or personal property subject to forfeiture under this chapter may be seized by any board inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a lis pendens by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later: PROVIDED, That real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(3) A board inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) The board inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(c) In the event of seizure pursuant to subsection (b), proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. The notice of seizure in other cases may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(d) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the item seized shall be deemed forfeited. The community property interest in real property of a person whose spouse committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.

(e) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency

or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is more than five hundred dollars. The court to which the matter is to be removed shall be the district court when such aggregate value is ten thousand dollars or less of personal property. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. In cases involving personal property, the burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property. In cases involving real property, the burden of producing evidence shall be upon the law enforcement agency. The burden of proof that the seized real property is subject to forfeiture shall be upon the law enforcement agency. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8) of this section.

(f) When property is forfeited under this chapter the board or seizing law enforcement agency may:

(1) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter;

(2) (i) Sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds and all moneys forfeited under this title shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs. Money remaining after the payment of all expenses shall be distributed as follows:

(A) Twenty-five percent of the money derived from the forfeiture of real property and seventy-five percent of the money derived from the forfeiture of personal property shall be deposited in the general fund of the state, county, and/or city of the seizing law enforcement agency and shall be used exclusively for the expansion or improvement of law enforcement services. These services may include the creation of reward funds for the purpose of rewarding informants who supply information leading to the arrest, prosecution and conviction of persons who violate laws relating to controlled substances. Such moneys shall not supplant preexisting funding sources;

(B) Twenty-five percent of money derived from the forfeiture of real property and twenty-five percent of money derived from the forfeiture of personal property shall be remitted to the state treasurer for deposit in the public safety and education account established in RCW 43.08.250;

(C) Until July 1, 1995, fifty percent of money derived from the forfeiture of real property shall be remitted to the state treasurer for deposit in the drug enforcement and education account under RCW 69.50.520, on and after July 1, 1995, the fifty percent of the money shall be remitted in the same manner as the twenty-five percent of the money remitted under (2)(i)(A) of this subsection; and

(D) If an investigation involves a seizure of moneys and proceeds having an aggregate value of less than five thousand dollars, the moneys and proceeds may be deposited in total in the general fund of the governmental unit of the seizing law enforcement agency and shall be appropriated exclusively for the expansion of narcotics enforcement services. Such moneys shall not supplant preexisting funding sources.

(ii) Money deposited according to this section must be deposited within ninety days of the date of final disposition of either the administrative seizure or the judicial seizure;

(3) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(4) Forward it to the drug enforcement administration for disposition.

(g) Controlled substances listed in Schedule I, II, III, IV, and V that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV, and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

(h) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

(i) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored to produce an appropriate registration or proof that he is the holder thereof constitutes authority for the seizure and forfeiture of the plants.

(j) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.

Sec. 13, Section 228, chapter 271, Laws of 1989 and RCW 69.50.511 are each amended to read as follows:

Law enforcement agencies who during the official investigation or enforcement of any illegal drug manufacturing facility come in contact with or are aware of any substances suspected of being hazardous as defined in RCW 70.105D.020(5), shall notify the department of ecology for the purpose of securing a contractor to identify, clean-up, store, and dispose of suspected hazardous substances, except for those random and representative samples obtained for evidentiary purposes. Whenever possible, a destruct order covering hazardous substances which may be described in general terms shall be obtained concurrently with a search warrant. Materials that have been photographed, fingerprinted, and subsampled by police shall be destroyed as soon as practical. The department of ecology shall make every effort to recover costs from the parties responsible for the suspected hazardous substance. All recoveries shall be deposited in the account or fund from which contractor payments are made.

The department of ecology may adopt rules to carry out its responsibilities under this section. The department of ecology shall consult with law enforcement agencies prior to adopting any rule or policy relating to this section.

NEW SECTION, Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 15. Sections 1 through 7 and 9 through 11 of this act shall constitute a new chapter in Title 64 RCW.

NEW SECTION, Sec. 16. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the supplemental omnibus appropriations act, this act shall be null and void."

On motion of Senator West, the following amendment to the Committee on Ways and Means striking amendment was adopted:

On page 6, line 30 of the amendment, after "officer," insert "The local health officer may charge a reasonable fee for review of the work plan."

On motion of Senator West, the following amendment to the Committee on Ways and Means striking amendment was adopted:

On page 24, beginning on line 32 of the amendment, strike all material down to and including line 3, on page 25, and insert the following:

NEW SECTION, Sec. 16. If specific funding for the purposes of this act, referencing this act by bill number, is not provided in the 1989-91 supplemental omnibus appropriations act (SSB 6407), this act shall be null and void.

NEW SECTION, Sec. 17. Sections 2 and 12 of this act are necessary for the immediate preservation of the public peace, health, or safety or support of the state government and its public institutions, and shall take effect on the effective date of the 1989-91 supplemental omnibus appropriations act (SSB 6407) if specific funding for this act is provided therein."

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Engrossed Substitute House Bill No. 2906.

The Committee on Ways and Means striking amendment, as amended, to Engrossed Substitute House Bill No. 2906 was adopted.

MOTIONS

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "properties;" strike the remainder of the title and insert "amending RCW 69.50.505 and 69.50.511; adding a new chapter to Title 64 RCW; creating new sections; and prescribing penalties."

On motion of Senator West, Engrossed Substitute House Bill No. 2906, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2906, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2906, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Sellar - 1.

Excused: Senators Amondson, Conner, Craswell - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2906, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2343, by Representatives Fraser, Holland, Wang, Horn and May (by request of Department of Revenue)

Expanding the secrecy clause for tax information and administration.

The bill was read the second time.

MOTION

On motion of Senator Cantu, House Bill No. 2343 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2343.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2343 and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senators Sellar, Stratton - 2.

Excused: Senators Amondson, Craswell - 2.

HOUSE BILL NO. 2343, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2344, by Committee on Revenue (originally sponsored by Representatives Wang, Holland, Horn, Grant, Schoon, Van Luven and Phillips) (by request of Department of Revenue)

Requiring electronic transfer of funds for certain large tax payments.

The bill was read the second time.

MOTION

On motion of Senator Cantu, Engrossed Substitute House Bill No. 2344 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2344.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2344 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senator Niemi - 1.

Excused: Senators Amondson, Craswell - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2344, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5431,
SENATE BILL NO. 5593,
SUBSTITUTE SENATE BILL NO. 6167,
SENATE BILL NO. 6335,
SUBSTITUTE SENATE BILL NO. 6446,
SENATE BILL NO. 6564,
SENATE BILL NO. 6673,
SUBSTITUTE SENATE BILL NO. 6697,
SUBSTITUTE SENATE BILL NO. 6776,
SENATE BILL NO. 6816,
SENATE BILL NO. 6862,
SENATE BILL NO. 6866.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 6189,
SENATE BILL NO. 6213,
SUBSTITUTE SENATE BILL NO. 6289,
SUBSTITUTE SENATE BILL NO. 6348,
SUBSTITUTE SENATE BILL NO. 6426,
SUBSTITUTE SENATE BILL NO. 6453,
SUBSTITUTE SENATE BILL NO. 6493,
SUBSTITUTE SENATE BILL NO. 6642,
SECOND SUBSTITUTE SENATE BILL NO. 6832.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5935,
SECOND SUBSTITUTE SENATE BILL NO. 5993,
SENATE BILL NO. 6192,
SENATE BILL NO. 6201,
SENATE BILL NO. 6224,
SENATE BILL NO. 6834.

SECOND READING

HOUSE BILL NO. 2345, by Representatives Basich, Holland, Haugen, Wang, Horn, R. King and Hargrove (by request of Department of Revenue)

Changing enhanced food fish tax remittance requirements.

The bill was read the second time.

MOTION

On motion of Senator Cantu, House Bill No. 2345 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2345.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2345 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarmatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Excused: Senators Amondson, Craswell - 2.

HOUSE BILL NO. 2345, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2775, by Representatives McLean, R. Fisher, Miller, Ebersole, Holland, Bennett, Wolfe, Wang, Beirozoff, Todd, Anderson, Pruitt, R. Meyers, D. Sommers, Wood, Wineberry and Hankins

Prohibiting the use of voting machines that do not record votes on separate ballots.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 29.04 RCW to read as follows:

(1) Beginning January 1, 1993, no voting device or machine may be used in a county of the second class or larger to conduct a primary or general or special election in this state unless it correctly records on a separate ballot the votes cast by each elector for any person and for or against any measure and such separate ballots are available for audit purposes after such a primary or election.

(2) Beginning January 1, 1993, the secretary of state shall not certify, under this title any voting device or machine for use in conducting a primary or general or special election in this state unless the device or machine correctly records on a separate ballot the votes cast by each elector for any person and for or against any measure and such separate ballots are available for audit purposes after such a primary or election.

(3) Beginning January 1, 1993, a county of the third class or smaller may use a voting machine or device for conducting a primary or general or special election which does not record on a separate ballot, available for audit purposes after the primary or election, the votes cast by each elector for any person and for or against any measure if:

(a) The device was certified under this title before January 1, 1993, for use in this state;

(b) The device otherwise satisfies the requirements of this title; and

(c) Not more than twenty percent of the votes cast during any primary or general or special election conducted after January 1, 1998, in the county are cast using such a machine or device.

(4) The purpose of subsection (3) of this section is to permit less populous counties to replace voting equipment in stages over several years. These less populous counties are, nonetheless, encouraged to secure as expeditiously as possible voting equipment which would satisfy the requirements of subsection (1) of this section established for more populous counties. The secretary of state shall report to the legislature by January 1st of each odd-numbered year through 1997 on the progress of such less populous counties in replacing equipment which does not satisfy the requirements of subsection (1) of this section established for more populous counties.

Sec. 2. Section 6, chapter 1, Laws of 1980 and RCW 43.135.060 are each amended to read as follows:

(1) The legislature shall not impose responsibility for new programs or increased levels of service under existing programs on any taxing district unless the districts are reimbursed for the costs thereof by the state.

(2) That proportion of state tax revenue which consists of direct state appropriations to taxing districts taken as a group shall not be decreased below that proportion appropriated in the biennium immediately preceding January 1, 1980: PROVIDED, This proportion shall be decreased in any fiscal year only if: (a) The legislature decreases the state tax revenue limit for that fiscal year by an amount equal to the dollar amount of any decrease in direct state appropriations to taxing districts taken as a whole; or (b) the state tax revenue limit has been

increased under RCW 43.135.050(3) or 43.135.060(3) and the decrease of the proportion is commensurate with the increase in the state tax revenue limit.

(3) If by order of any court, or legislative enactment, the costs of a federal or taxing district program are transferred to or from the state, the otherwise applicable state tax revenue limit shall be increased or decreased, as the case may be, by the dollar amount of the costs of the program.

(4) The legislature, in consultation with the office of financial management or its successor agency, shall determine the costs of any new programs or increased levels of service under existing programs imposed on any taxing district or transferred to or from the state.

(5) Subsection (1) of this section does not apply to the costs incurred for voting devices or machines under section 1 of this act.

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "equipment," strike the remainder of the title and insert "amending RCW 43.135.060; and adding a new section to chapter 29.04 RCW."

MOTION

On motion of Senator Nelson, House Bill No. 2775, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Sellar: "Senator Johnson, is the intent of this legislation to limit the voting systems the counties are required to offer to one type of voting and that is punch card?"

Senator Johnson: "No, Senator Sellar, it is the intent that the systems implemented would be one of the systems approved by the Federal Elections Commission and one that meets the standards established by that commission and those systems include punch cards, mark sense and direct recording electronic systems. The reference to a separate ballot in this bill is not intended to mandate a punch card voting system."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, a parliamentary inquiry. Inasmuch as we are attempting to override Initiative 62, that says we can't put new costs on the counties through a tricky little amendment, does this require a two-thirds vote?"

REPLY BY THE PRESIDENT

President Pritchard: "I don't believe so, Senator Rasmussen."

MOTION

On motion of Senator Anderson, Senator von Reichbauer was excused.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2775, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2775, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; nays, 20; excused, 2.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kreidler, Madsen, McMullen, Murray, Nelson, Newhouse, Niemi, Owen, Rinehart, Saling, Sellar, Smitherman, Sutherland, Talmadge, Vogt, Warnke, Williams, Wojahn - 27.

Voting nay: Senators Anderson, Bailey, Barr, Cantu, Conner, Craswell, Hansen, Lee, Matson, McCaslin, McDonald, Metcalf, Moore, Patrick, Patterson, Rasmussen, Smith, Stratton, Thorsness, West - 20.

Excused: Senators Amondson, von Reichbauer - 2.

HOUSE BILL NO. 2775, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the Chair.

There being no objection, the Senate resumed consideration of Second Substitute House Bill No. 2986, and the pending Committee on Ways and Means striking amendment, deferred earlier today.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "In ruling upon the point of order raised by Senator Fleming, the President finds that Second Substitute House Bill No. 2986 is a measure making changes in the 1989 Alcohol and Controlled Substance Abuse Act by, among other things, prohibiting the use of certain state money to supplant money from other sources including federal funds.

"The amendment proposed by the Senate Committee on Ways and Means, in addition, allows for the adjustment of tax rates in the 1989 Alcohol and Controlled Substance Abuse Act to be adjusted to reflect the supplanting of state money by federal funds.

"The President, therefore, finds that the committee amendment does not change the scope and object of the bill and that the point of order is not well taken."

The Senate Committee on Ways and Means striking amendment to Second Substitute House Bill No. 2986 was ruled in order.

MOTION

Senator Wojahn moved that the following amendment by Senators Wojahn and Niemi to the Committee on Ways and Means striking amendment be adopted:

On page 4, after section 6, add the following:

NEW SECTION. Sec. 7. The department of health is authorized to establish up to four local pilot projects to develop strategies to prevent the use of controlled substances and alcohol immediately before, during, and immediately after pregnancy. The goal of the pilot projects is to reduce both the number and proportion of babies who are born drug affected through education and prevention strategies."

POINT OF ORDER

Senator West: "Mr. President, a point of order. Regrettably, I would raise the issue of scope and object on this amendment. While the maker is well-intended, this does not fit this bill. We've already passed a similar program out of here. All of that is not relevant to the scope and object issue. I would simply ask the President to examine that."

Further debate ensued.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "In ruling upon the point of order raised by Senator West, the President finds that Second Substitute House Bill No. 2986 is a measure making changes in the 1989 Alcohol and Controlled Substance Abuse Act by, among other things, prohibiting the use of certain state money to supplant money from other sources including federal funds.

"The amendment to the committee amendment proposed by Senators Wojahn and Niemi would authorize four pilot projects for dealing with crack babies.

"The President, therefore, finds that the amendment to the committee amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Wojahn and Niemi on page 4, after section 6, to the Senate Committee on Ways and Means striking amendment to Second Substitute House Bill No. 2986 was ruled out of order.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment to Second Substitute House Bill No. 2986.

Debate ensued.

The Committee on Ways and Means striking amendment to Second Substitute House Bill No. 2986 was not adopted.

MOTION

On motion of Senator McDonald, Second Substitute House Bill No. 2986 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 2986.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2986 and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Melcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thornness, Vognilid, von Reichbauer, Warnke, West, Williams - 45.

Voting nay: Senators Fleming, Rinehart, Talmadge, Wojahn - 4.

SECOND SUBSTITUTE HOUSE BILL NO. 2986, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2430, by Committee on Commerce and Labor (originally sponsored by Representatives P. King, Vekich, Walker, Prentice, Winsley, Jones and Kremen) (by request of Attorney General)

Revising provisions for motor vehicle warranties.

The bill was read the second time.

MOTIONS

On motion of Senator Lee, the following Committee on Economic Development and Labor amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 344, Laws of 1987 as amended by section 1, chapter 347, Laws of 1989 and RCW 19.118.021 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means new motor vehicle arbitration board.

(2) "Collateral charges" means any sales or lease related charges including but not limited to sales tax, use tax, arbitration service fees, unused license fees, unused registration fees, unused title fees, finance charges, prepayment penalties, credit disability and credit life insurance costs not otherwise refundable, any other insurance costs prorated for time out of service, transportation charges, dealer preparation charges, or any other charges for service contracts, undercoating, rustproofing, or factory or dealer installed options.

(3) "Condition" means a general problem that results from a defect or malfunction of one or more parts, or their improper installation by the manufacturer, its agents, or the new motor vehicle dealer.

(4) "Consumer" means any person who has entered into an agreement or contract for the transfer, lease, or purchase of a new motor vehicle, other than for purposes of resale or sublease, during the duration of the warranty period defined under this section.

(5) "Court" means the superior court in the county where the consumer resides, except if the consumer does not reside in this state, then the superior court in the county where an arbitration hearing or determination was conducted or made pursuant to this chapter.

(6) "Incidental costs" means any reasonable expenses incurred by the consumer in connection with the repair of the new motor vehicle, including any towing charges and the costs of obtaining alternative transportation.

(7) "Manufacturer" means any person engaged in the business of constructing or assembling new motor vehicles or engaged in the business of importing new motor vehicles into the United States for the purpose of selling or distributing new motor vehicles to new motor vehicle dealers. Manufacturer does not include any person engaged in the business of set-up of motorcycles as an agent of a new motor vehicle dealer if the person does not otherwise construct or assemble motorcycles.

(8) "Motorcycle" means any motorcycle as defined in RCW 46.04.330 which has an engine displacement of at least seven hundred fifty cubic centimeters.

~~((#))~~ (9) "New motor vehicle" means any new self-propelled vehicle, including a new motorcycle, primarily designed for the transportation of persons or property over the public highways that, after original retail purchase or lease in this state, was initially registered in this state or for which a temporary motor vehicle license was issued pursuant to RCW 46.16.460, but does not include vehicles purchased or leased by a business as part of a fleet of ten or more vehicles. If the motor vehicle is a motor home, this chapter shall apply to the self-propelled vehicle and chassis, but does not include those portions of the vehicle designated, used, or maintained primarily as a mobile dwelling, office, or commercial space. The term "new motor vehicle" does not include motorcycles or trucks with nineteen thousand pounds or more gross

vehicle weight rating. The term "new motor vehicle" includes a demonstrator or lease-purchase vehicle as long as a manufacturer's warranty was issued as a condition of sale.

((9)) (10) "New motor vehicle dealer" means a person who holds a dealer agreement with a manufacturer for the sale of new motor vehicles, who is engaged in the business of purchasing, selling, servicing, exchanging, or dealing in new motor vehicles, and who is licensed as a dealer by the state of Washington.

((10)) (11) "Nonconformity" means a defect, serious safety defect, or condition that substantially impairs the use, value, or safety of a new motor vehicle, but does not include a defect or condition that is the result of abuse, neglect, or unauthorized modification or alteration of the new motor vehicle.

((11)) (12) "Purchase price" means the cash price of the new motor vehicle appearing in the sales agreement or contract, including any allowance for a trade-in vehicle; "purchase price" in the instance of a lease means the purchase price or value of the vehicle declared to the department of licensing for purposes of tax collection.

Where the consumer is a second or subsequent purchaser, lessee, or transferee and the consumer selects repurchase of the motor vehicle, "purchase price" means the purchase price of the second or subsequent purchase or lease. Where the consumer is a second or subsequent purchaser, lessee, or transferee and the consumer selects replacement of the motor vehicle, "purchase price" means the original purchase price.

((12)) (13) "Reasonable offset for use" means the definition provided in RCW 19.118.041(1)(c) for a new motor vehicle other than a new motorcycle. The reasonable offset for use for a new motorcycle shall be computed by the number of miles that the vehicle traveled before the manufacturer's acceptance of the vehicle upon repurchase or replacement multiplied by the purchase price, and divided by twenty-five thousand.

((13)) (14) "Reasonable number of attempts" means the definition provided in RCW 19.118.041.

((14)) (15) "Replacement motor vehicle" means a new motor vehicle that is identical or reasonably equivalent to the motor vehicle to be replaced, as the motor vehicle to be replaced existed at the time of original purchase or lease, including any service contract, undercoating, rustproofing, and factory or dealer installed options.

((15)) (16) "Serious safety defect" means a life-threatening malfunction or nonconformity that impedes the consumer's ability to control or operate the new motor vehicle for ordinary use or reasonable intended purposes or creates a risk of fire or explosion.

((16)) (17) "Substantially impair" means to render the new motor vehicle unreliable, or unsafe for ordinary use, or to diminish the resale value of the new motor vehicle below the average resale value for comparable motor vehicles.

((17)) (18) "Warranty" means any implied warranty, any written warranty of the manufacturer, or any affirmation of fact or promise made by the manufacturer in connection with the sale of a new motor vehicle that becomes part of the basis of the bargain. The term "warranty" pertains to the obligations of the manufacturer in relation to materials, workmanship, and fitness of a new motor vehicle for ordinary use or reasonably intended purposes throughout the duration of the warranty period as defined under this section.

((18)) (19) "Warranty period" means the period ending two years after the date of the original delivery to the consumer of a new motor vehicle, or the first twenty-four thousand miles of operation, whichever occurs first."

On motion of Senator Lee, the following title amendment was adopted:

On page 1, line 1 of the title, after "warranties;" strike the remainder of the title and insert "and amending RCW 19.118.021."

MOTION

On motion of Senator Lee, Engrossed Substitute House Bill No. 2430, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2430, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2430, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Melcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman.

Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2430, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

SECOND READING

HOUSE BILL NO. 2306, by Representative P. King

Retaining county clerk responsibility for summoning jurors.

The bill was read the second time.

MOTION

On motion of Senator Nelson, House Bill No. 2306 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2306.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2306 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

HOUSE BILL NO. 2306, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6624, by Senators McDonald and Stratton (by request of Office of Financial Management)

Changing provisions relating to the family independence program.

MOTIONS

On motion of Senator McDonald, Substitute Senate Bill No. 6624 was substituted for Senate Bill No. 6624 and the substitute bill was placed on second reading and read the second time.

Senator Gaspard moved that the following amendment by Senators Gaspard, Wojahn, Niemi, Fleming, Talmadge, Moore, Rinehart, Kreidler and Owen be adopted:

On page 1, beginning on line 6, strike all of Sec. 1. and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the family independence program is successful in helping families enter the work force and achieve real economic independence. Families enrolled in the family independence program are actively participating in education, training, and work. Pregnant and parenting teenagers are receiving services helping them to complete school. The unforeseen increase in family independence program caseloads is in part a result of eligible families using the education and training provisions of the program to obtain good jobs and lift themselves out of poverty. There is a need to build upon current successful training and employment activities in order to increase opportunities for eligible parents to join the work force."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Gaspard, Wojahn, Niemi, Fleming, Talmadge, Moore, Rinehart, Kreidler and Owen on page 1, beginning on line 6, to Substitute Senate Bill No. 6624.

The motion by Senator Gaspard failed and the amendment was not adopted.

MOTION

Senator Gaspard moved that the following amendment by Senators Gaspard, Wojahn, Niemi, Fleming, Talmadge, Moore, Rinehart, Kreidler and Owen be adopted:

On page 10, line 18, after "1988" strike everything through "rules." on page 12, line 5 and insert "and to periodically stop enrollments in family independence program sites or programs within sites, except for the five treatment sites, for the purpose of managing resources, until such time as sufficient funds become available to reopen enrollments. Because single-parent households are at greatest risk of long-term welfare dependency, enrollment in two-parent employable programs shall be closed before closing enrollment in any single-parent program."

Until the family independence program is implemented in a particular geographic area, applicants in that area shall continue to be eligible for benefits under the aid to families with dependent children program and shall have a right to convert to the family independence program when it is available in that area((:

(1) To determine methods of administration and do all other things necessary to carry out the purposes of this chapter)) in accordance with rules adopted by the executive committee.

(2) The executive committee with assistance from the appropriate agencies shall promulgate rules in accordance with chapter 34.05 RCW in order to accomplish the purposes of this chapter. Policy decisions of the executive committee that require rule-making shall not be final until the adoption of the necessary rules.

(a) The committee shall periodically review data and evaluation reports and modify the rules governing the program. Such modifications shall not conflict with waiver agreements between the state and federal agencies and shall be made only after consultation with the family independence program advisory committee and the legislative budget committee. The committee shall analyze such modifications to determine their effects on program enrollees' potential for long-term welfare dependency.

(b) The committee shall develop rules for review and approval of the employability plans set forth in RCW 74.21.190 in order to encourage enrollees to achieve self-sufficiency in a reasonable period of time.

(i) The rules shall preclude the initiation of new four-year academic plans unless these plans are in areas of critical workforce shortages such as nursing or bilingual service professions, unless the enrollee shows unusual potential, or unless the plan meets other exceptional policy goals established by the executive committee. The rules shall encourage the use of vocationally oriented programs of two years or less duration and the completion of four-year programs where the enrollee has two years or less of a program to complete.

(ii) A plan shall not be approved if it is determined that: (A) The enrollee lacks the aptitude, skills, or abilities to complete the training requested; (B) the enrollee currently possesses viable and relevant skills required to be self-sufficient in the current labor market as demonstrated by previous employment or completion of education or training; (C) the occupational goal contained in the plan likely will not lead to self-sufficiency based on available labor market information relating to earnings or projected job openings; (D) comparable training that meets the needs of local employers is available at lower cost to the state than that identified in the plan; or (E) for other reasons as determined by the executive committee and consistent with the purposes of the family independence program, the plan should not be approved.

(3) The committee shall develop procedures to assist enrollees who have registered for employment or training activities and are not currently active in those activities. The executive committee shall request the efficiency commission to assist it in improving family independence program orientation, assessment, training, and job placement procedures.

NEW SECTION. Sec. 6. A new section is added to chapter 74.21 RCW to read as follows:

The department shall, consistent with other laws and agreements, contract with nongovernmental organizations for job placement services patterned after models used in other states for welfare reform. Contracts under this section shall be performance-based. Performance factors should include starting wage level, six-month retention rates, and enrollee promotions."

Renumber remaining sections consecutively and correct internal references accordingly.

Debate ensued.

Senator Gaspard demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Gaspard, Wojahn, Niemi, Fleming, Talmadge, Moore, Rinehart, Kreidler and Owen on page 10, line 18, to Substitute Senate Bill No. 6624.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patrick, Patterson, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 25.

MOTION

On motion of Senator Newhouse, Substitute Senate Bill No. 6624 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6624.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6624 and the bill passed the Senate by the following vote: Yeas, 30; nays, 19.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Thorsness, von Reichbauer, West - 30.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, Moore, Murray, Niemi, Owen, Rinehart, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 19.

SUBSTITUTE SENATE BILL NO. 6624, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

THIRD READING

SENATE BILL NO. 6091, by Senators McDonald, Gaspard, Hayner and Vognild

Making an appropriation for the budget stabilization account.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 6091 was returned to second reading and read the second time.

MOTION

Senator McDonald moved that the following amendment be adopted:

On page 1, beginning on line 4, strike all of NEW SECTION, Sec. 1, and insert the following: "NEW SECTION, Sec. 1. The sum of two hundred million dollars is appropriated for the biennium ending June 30, 1991, from the general fund to the state treasurer for immediate transfer to the budget stabilization account pursuant to RCW 43.88.525 and 43.88.530."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator McDonald on page 1, beginning on line 4, to Senate Bill No. 6091.

The motion by Senator McDonald carried and the amendment was adopted.

MOTION

On motion of Senator McDonald, Engrossed Senate Bill No. 6091 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6091.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6091 and the bill passed the Senate by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patrick, Patterson, Saling, Sellar, Smith, Stratton, Thorsness, von Reichbauer, West - 27.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Rasmussen, Rinehart, Smitherman, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 22.

ENGROSSED SENATE BILL NO. 6091, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the sixth order of business.

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 2567 and the pending amendments by Senators Gaspard and von Reichbauer on page 7, line 1, and page 12, line 11, to the Committee on Ways and Means striking amendment, deferred earlier today.

MOTION

On motion of Senator Gaspard, and there being no objection, the amendments to the committee amendment were withdrawn.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment to Engrossed House Bill No. 2567.

The Committee on Ways and Means striking amendment to Engrossed House Bill No. 2567 was adopted.

MOTIONS

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, line 2 of the title, after "development," strike the remainder of the title and insert "amending RCW 41.06.070, 41.06.430, and 28B.16.040; reenacting and amending RCW 41.06.150 and 28B.16.100; adding new sections to chapter 41.04 RCW; creating a new section; and decodifying RCW 41.06.300, 41.06.320, and 41.06.330."

On motion of Senator McDonald, Engrossed House Bill No. 2567, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2567, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2567, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 7; absent, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patrick, Patterson, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams - 41.

Voting nay: Senators Bender, Gaspard, Hansen, Niemi, Rinehart, Talmadge, Wojahn - 7.

Absent: Senator Conner - 1.

ENGROSSED HOUSE BILL NO. 2567, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2525, by Representatives Miller, Jacobsen, Nelson and May (by request of Washington Utilities and Transportation Commission)

Limiting regulation of radio communications services.

The bill was read the second time.

MOTIONS

On motion of Senator Benitz, the following Committee on Energy and Utilities amendments were considered simultaneously and were adopted:

On page 1, line 22, after "except" insert "that"

On page 1, line 24, after "company" insert "the commission may regulate the radio communication service of that company"

On motion of Senator Benitz, House Bill No. 2525, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2525, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2525, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCasin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Absent: Senators Barr, Smith, Warnke - 3.

HOUSE BILL NO. 2525, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2526, by Representatives Jacobsen, Miller, Nelson and May (by request of Washington Utilities and Transportation Commission)

Revising provisions for registration of telecommunication companies.

The bill was read the second time.

MOTIONS

On motion of Senator Benitz, the following Committee on Energy and Utilities amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 7, chapter 450, Laws of 1985 and RCW 80.36.350 are each amended to read as follows:

Each telecommunications company not operating under tariff in Washington on January 1, 1985, shall register with the commission before beginning operations in this state. The registration shall be on a form prescribed by the commission and shall contain such information as the commission may by rule require, but shall include as a minimum the name and address of the company; the name and address of its registered agent, if any; the name, address, and title of each officer or director; its most current balance sheet; its latest annual report, if any; and a description of the telecommunications services it offers or intends to offer.

The commission may require as a precondition to registration the procurement of a performance bond sufficient to cover any advances or deposits the telecommunications company may collect from its customers, or order that such advances or deposits be held in escrow or trust.

The commission may deny registration to any telecommunications company which:

- (1) Does not provide the information required by this section;
- (2) Fails to provide a performance bond, if required;
- (3) Does not possess adequate financial resources to provide the proposed service; or
- (4) Does not possess adequate technical competency to provide the proposed service.

The commission shall take action to approve or issue a notice of hearing concerning any application for registration within thirty days after receiving the application. The commission may approve an application with or without a hearing. The commission may deny an application after a hearing.

A telecommunications company may also submit a petition for competitive classification under RCW 80.36.310 at the time it applies for registration. The commission may act on the registration application and the competitive classification petition at the same time.

NEW SECTION. Sec. 2. A new section is added to chapter 80.36 RCW to read as follows:

All alternate operator service companies providing services within the state shall register with the commission as a telecommunications company before providing alternate operator services. The commission may deny an application for registration of an alternate operator services company if, after a hearing, it finds that the services and charges to be offered by the company are not for the public convenience and advantage. The commission may suspend the registration of an alternate operator services company if, after a hearing, it finds that the

company does not meet the service or disclosure requirements of the commission. Any alternate operator services company that provides service without being properly registered with the commission shall be subject to a penalty of not less than five hundred dollars and not more than one thousand dollars for each and every offense. In case of a continuing offense, every day's continuance shall be a separate offense. The penalty shall be recovered in an action as provided in RCW 80.04.400.

NEW SECTION. Sec. 3. A new section is added to chapter 80.36 RCW to read as follows:

The commission may adopt rules that provide for minimum service levels for telecommunications companies providing alternate operator services. The rules may provide a means for suspending the registration of a company providing alternate operator services if the company fails to meet minimum service levels or if the company fails to provide appropriate disclosure to consumers of the protection afforded under this chapter.

Sec. 4. Section 3, chapter 91, Laws of 1988 and RCW 80.36.530 are each amended to read as follows:

In addition to the penalties provided in this title, a violation of RCW 80.36.510 ~~((or)), 80.36.520, or section 3 of this act~~ constitutes ~~((a))~~ an unfair or deceptive act in trade or commerce in violation of chapter 19.86 RCW, the consumer protection act. Acts in violation of RCW 80.36.510, 80.36.520, or section 3 of this act are not reasonable in relation to the development and preservation of business, and constitute matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. It shall be presumed that damages to the consumer are equal to the cost of the service provided plus two hundred dollars. Additional damages must be proved.*

On motion of Senator Benitz, the following title amendment was adopted:

On page 1, line 1 of the title, after "companies;" strike the remainder of the title and insert "amending RCW 80.36.350 and 80.36.530; adding new sections to chapter 80.36 RCW; and prescribing penalties."

MOTION

On motion of Senator Benitz, House Bill No. 2526, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2526, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2526, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

HOUSE BILL NO. 2526, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2802, by Representatives Todd, Fraser, McLean, Belcher, Locke, Brumsickle and Silver (by request of Department of General Administration)

Enlarging the department of general administration transportation management authority.

The bill was read the second time.

MOTIONS

On motion of Senator McCaslin, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) Access to and from state-owned and leased facilities favors single-passenger automobiles;

(2) Current state facilities in some cases do not provide sufficient parking to meet the demands created by reliance on the single-occupant automobile;

(3) The costs in traffic congestion, pollution, and building roads and parking facilities to support continued access by single passenger automobiles are escalating;

(4) During construction of the natural resources agencies building the number of parking stalls on the capitol campus will be reduced by six hundred spaces;

(5) Cost-effective alternatives to the single-passenger automobile to provide access to state government are available; and

(6) There is broad consensus among state and local governments to pursue a coordinated approach to managing parking and transportation for state facilities to improve access to these facilities.

Therefore, it is the purpose of sections 1 through 5 of this act to provide the department of general administration with authority to develop parking and transportation management programs; ensure that access to state government for customers, employees, and visitors is improved; and promote alternatives to the single-occupant automobile.

NEW SECTION, Sec. 2. The definitions set forth in this section apply throughout this chapter.

(1) "State agency" means any state office, agency, commission, department, board, or institution financed in whole or part from funds appropriated by the legislature, except institutions of higher education.

(2) "State facilities" means all state-owned and leased facilities except state roads and highways, institutions of higher education, state parks, park and ride facilities, ferry terminals, and state military facilities.

(3) "Parking and transportation management" means policies and programs designed for the specific users of state facilities and how those users affect local transportation systems.

NEW SECTION, Sec. 3. To carry out the purposes of sections 1 through 4 of this act, the director of general administration shall:

(1) In consultation with state agencies, state employees, local and regional governments, the business community, and other interested groups, develop and implement a comprehensive state agency transportation and parking management program for state facilities;

(2) Implement alternatives to the single-occupant automobile, including but not limited to identifying alternative methods of travel, and programs and facilities and funding sources that support these alternatives;

(3) Provide transportation and parking criteria in the development of new or renovated state facilities, including but not limited to facility siting and design;

(4) Establish standards governing the management and allocation of parking spaces in state-owned and leased parking facilities, among visitors, clients, state employees, and service providers;

(5) Establish a fair and equitable system, considering market rates, of parking rates for users of state-owned and leased facilities;

(6) Establish an operational unit within the department and employ such personnel as are necessary to carry out the purposes of sections 1 through 4 of this act. The program manager is exempt from chapter 41.06 RCW;

(7) Establish necessary rules and procedures for carrying out the purposes of sections 1 through 4 of this act;

(8) Delegate the authority granted to the director under sections 3 and 4 of this act to any agency upon such terms as considered advisable.

NEW SECTION, Sec. 4. The director of general administration shall establish fees and charges for parking and transportation programs. Fees and charges shall be used as follows:

(1) Revenues collected from parking charges on the capitol campus shall be first applied to debt service as specified in the revenue bonds issued for the parking facilities constructed under RCW 79.24.300 through 79.24.340.

(2) The state agency transportation and parking management account is created in the state treasury. Any funds remaining after the debt specified by subsection (1) of this section is satisfied, as well as revenues collected as parking fees at locations other than the capitol campus, and charges from other transportation programs that are part of the state agency transportation and parking management plan shall be paid to the account. The department of general administration shall administer the account, and moneys in the account may be spent only after appropriation.

(3) The account shall be used for the payment of costs, expenses, and charges incurred in the operation and administration of transportation or parking programs administered by the department of general administration, or other state agencies as part of the state agency transportation and parking management program. The programs of the various state agencies shall be treated as separate entities for financial and accounting control. Revenues collected as parking fees or as charges for other transportation programs that are part of the state agency transportation and parking management plan, but that are administered by agencies other than the department of general administration, shall be paid to the account of the agency within the account, and shall be applied to the program from which the revenues were collected.

NEW SECTION. Sec. 5. The director of general administration shall adopt and enforce such rules as may be deemed necessary to accomplish the purpose of sections 1 through 4 of this act.

NEW SECTION. Sec. 6. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the supplemental omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act are each added to chapter 43.19 RCW.

NEW SECTION. Sec. 8. Section 1, chapter 158, Laws of 1963, section 323, chapter 258, Laws of 1984, section 59, chapter 57, Laws of 1985, section 901, chapter 2, Laws of 1988 ex. sess. and RCW 46.08.172 are each repealed."

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "adding new sections to chapter 43.19 RCW; creating a new section; and repealing RCW 46.08.172."

MOTION

On motion of Senator McCaslin, House Bill No. 2802, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Owen, Senator Vognild was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2802, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2802, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McMullen, Melcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator McDonald - 1.

Excused: Senator Vognild - 1.

HOUSE BILL NO. 2802, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the Chair.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2854, by Committee on Local Government (originally sponsored by Representative Cooper)

Ratifying procedures used by certain counties for contracts for solid waste systems.

The bill was read the second time.

MOTIONS

On motion of Senator McCaslin, the following Committee on Governmental Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Section 19, chapter 282, Laws of 1986, codified as RCW 36.58.090, established an alternate procedure by which a county was authorized to procure systems and plants for solid waste handling and to contract with private vendors for the design, construction, or operation thereof. Any county with a population of over one hundred thousand that, prior to the effective date of chapter 399, Laws of 1989, complied with the requirements of either (1) section 10 (3), (4), and (5), chapter 399, Laws of 1989, or (2) section 19(3), chapter 282, Laws of 1986, shall be deemed to have complied with the requirements of section 19(3), chapter 282, Laws of 1986.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 2 of the title, after "thousand;" strike the remainder of the title and insert "creating a new section; and declaring an emergency."

MOTION

On motion of Senator Bauer, Substitute House Bill No. 2854, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2854, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2854, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; nays, 15; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, Lee, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Vognilid, Warnke, Williams, Wojahn - 33.

Voting nay: Senators Amondson, Anderson, Bender, Bluechel, Cantu, Craswell, Hayner, McCaslin, Nelson, Smith, Sutherland, Talmadge, Thorsness, von Reichbauer, West - 15.

Absent: Senator Johnson - 1.

SUBSTITUTE HOUSE BILL NO. 2854, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2476, by Committee on Capital Facilities and Financing (originally sponsored by Representatives Horn, Haugen, Nutley, Ferguson and May)

Establishing a formula for allocating the indebtedness incurred by certain lessees.

The bill was read the second time.

MOTION

On motion of Senator Cantu, Substitute House Bill No. 2476 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2476.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2476 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Absent: Senator Conner - 1.

SUBSTITUTE HOUSE BILL NO. 2476, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2935, by Committee on Local Government (originally sponsored by Representatives Horn, Haugen, Kirby, Ferguson, D. Sommers, Wood, Rayburn, Morris, Moyer, Wolfe, Brumsickle, Bowman, Walker, Nealey and Raiter)

Modifying the provisions for local government elections.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, Substitute House Bill No. 2935 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2935.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2935 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

SUBSTITUTE HOUSE BILL NO. 2935, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2443, by Committee on Appropriations (originally sponsored by Representatives O'Brien, Jacobsen, Prince, Anderson, Heavey, Crane, Valle, Winsley, Moyer, P. King, Todd, Day, Rector, Wood, Wineberry and R. King)

Establishing the Warren G. Magnuson institute for biomedical research and health professions training.

The bill was read the second time.

MOTIONS

On motion of Senator Saling; the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The Warren G. Magnuson institute for biomedical research and health professions training is established within the Warren G. Magnuson health sciences center at the University of Washington. The institute shall be administered by the university. The institute may be funded through a combination of federal, state, and private funds, including earnings on the endowment fund in section 6 of this act.

NEW SECTION. Sec. 2. The purposes of the Warren G. Magnuson institute for biomedical research and health professions training are as follows:

- (1) Supporting one or more individuals engaged in biomedical research into the causes of, the treatments for, or the management of diabetes is the primary purpose of the institute;
- (2) Providing financial assistance to students in graduate or postgraduate training programs in the health professions at the university is the secondary purpose of the institute;
- (3) Supporting biomedical research into the causes of, the treatment for, or the management of Parkinson's disease, osteoporosis, or any other disease or medical disorder where the achievement of a significant result in the near term is especially promising; and
- (4) Enhancing the training, research, and public service missions of the health sciences schools of the University of Washington.

NEW SECTION. Sec. 3. Unless designated otherwise by donors, the earnings on the endowment fund in section 6 of this act shall be distributed as follows:

- (1) Earnings on the first seven hundred fifty thousand dollars shall be expended at the direction of the dean of the school of medicine, in support of one or more individuals engaged in biomedical research into the causes of, the treatments for, or the management of diabetes;

(2) Earnings on the next two hundred fifty thousand dollars shall be expended to provide financial assistance to students in graduate or postgraduate training programs in the health professions at the university, including: Medicine, nursing, public health and community medicine, dentistry, pharmacy, and social work. At least one such student at all times shall be in a career pathway preparing for or engaged in research related to diabetes, its antecedents, or complications; and

(3) Earnings on additional funds within the endowment may be used for any purpose of the institute as outlined in section 2 of this act.

NEW SECTION, Sec. 4. The Warren G. Magnuson institute trust fund is hereby established. The trust fund shall be administered by the state treasurer. Funds appropriated by the legislature for the trust fund shall be deposited into the trust fund. All moneys deposited in the trust fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances of the trust fund shall be credited to the fund. At the request of the board of regents of the University of Washington, and when conditions set forth in section 5 of this act are met, the treasurer shall release state matching moneys in the fund to the University of Washington's local endowment fund. No appropriation is required for expenditures from the trust fund.

NEW SECTION, Sec. 5. The University of Washington may apply to the treasurer for five hundred thousand dollars from the Warren G. Magnuson institute trust fund when the university can match the state funds with an amount of cash donations equal to twice the state funds provided. Private donations mean moneys from nonstate sources that include, but are not limited to federal moneys and assessments by commodity commissions authorized to conduct research activities including but not limited to research studies authorized under RCW 15.66.030 and 15.65.040.

NEW SECTION, Sec. 6. The state matching funds and the private donations shall be deposited in the university's local endowment fund. The university is responsible for investing and maintaining all moneys within the fund. The principal of the invested endowment fund shall not be invaded. The university may augment the endowment fund with additional private donations. The earnings of the fund shall be used solely to support the purposes of the Warren G. Magnuson institute for biomedical research and health professions training as set forth in section 2 of this act.

NEW SECTION, Sec. 7. Sections 1 through 6 of this act are each added to chapter 28B.20 RCW.

NEW SECTION, Sec. 8. If specific funding for this act, referencing this act by bill number, is not provided by June 30, 1990, in the supplemental omnibus appropriations act, this act shall be null and void."

On motion of Senator Saling, the following title amendment was adopted:

On page 1, line 2 of the title, after "training;" strike the remainder of the title and insert "adding new sections to chapter 28B.20 RCW; and creating a new section."

MOTION

On motion of Senator Saling, Second Substitute House Bill No. 2443, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 2443, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2443, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

SECOND SUBSTITUTE HOUSE BILL NO. 2443, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1565, by Committee on Judiciary (originally sponsored by Representatives Locke, Wang, Brough, Padden, Belcher, Wineberry, Winsley and R. Fisher)

Relating to family relationships presumed to be valid for immigrants.

The bill was read the second time.

MOTION

On motion of Senator Nelson, Engrossed Substitute House Bill No. 1565 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage:

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1565.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1565 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1565, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2555, by Representatives Rayburn, Nealey, McLean and Rasmussen (by request of Department of Agriculture)

Repealing the Washington Animal Remedy Act.

The bill was read the second time.

MOTION

Senator Anderson moved that the following amendment by Senators Anderson, Bailey, Rinehart, Hansen, Madsen, McDonald and Rasmussen be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The following acts or parts of acts are each repealed:

- (1) Section 15.52.050, chapter 11, Laws of 1961 and RCW 15.52.050;
- (2) Section 15.52.060, chapter 11, Laws of 1961 and RCW 15.52.060;
- (3) Section 15.52.070, chapter 11, Laws of 1961 and RCW 15.52.070;
- (4) Section 15.52.080, chapter 11, Laws of 1961 and RCW 15.52.080;
- (5) Section 15.52.090, chapter 11, Laws of 1961 and RCW 15.52.090;
- (6) Section 15.52.100, chapter 11, Laws of 1961 and RCW 15.52.100;
- (7) Section 15.52.110, chapter 11, Laws of 1961 and RCW 15.52.110;
- (8) Section 15.52.120, chapter 11, Laws of 1961 and RCW 15.52.120;
- (9) Section 15.52.130, chapter 11, Laws of 1961 and RCW 15.52.130;
- (10) Section 15.52.140, chapter 11, Laws of 1961 and RCW 15.52.140;
- (11) Section 15.52.150, chapter 11, Laws of 1961 and RCW 15.52.150;
- (12) Section 15.52.160, chapter 11, Laws of 1961 and RCW 15.52.160;
- (13) Section 15.52.170, chapter 11, Laws of 1961 and RCW 15.52.170;
- (14) Section 15.52.180, chapter 11, Laws of 1961 and RCW 15.52.180;
- (15) Section 15.52.320, chapter 11, Laws of 1961, section 2, chapter 57, Laws of 1985, section 4, chapter 254, Laws of 1988 and RCW 15.52.320;
- (16) Section 15.52.330, chapter 11, Laws of 1961 and RCW 15.52.330;
- (17) Section 15.52.340, chapter 11, Laws of 1961 and RCW 15.52.340; and
- (18) Section 15.52.900, chapter 11, Laws of 1961 and RCW 15.52.900.

Sec. 2. Section 15.52.010, chapter 11, Laws of 1961 and RCW 15.52.010 are each amended to read as follows:

As used in this chapter:

"Domestic animals" includes all species of animals and fowls under control of man and adapted to his use or pleasure;

~~("Label" means any written, printed, or graphic matter upon any can, sack, or any other container of livestock remedy.)~~

"Livestock remedies" includes all ~~((foods;))~~ medicines and other substances sold as preventive, inhibitive, or curative medicines, or for their stimulating, invigorating or other powers, for domestic animals~~(-as such remedies are defined in the United States Pharmacopoeia:~~

~~Exclusive of the definitions provided herein, the definitions of livestock remedies shall be as defined in the official publication of the Pharmacopoeia of the United States of America as of June 1, 1949. The director is hereby authorized to amend, revise, or add to said definitions and methods of analysis whenever he shall find the same to be necessary to prevent misbranding, adulteration or other deviation from the standards prescribed by this chapter).~~

NEW SECTION. Sec. 3. A new section is added to chapter 15.52 RCW to read as follows:

(1) The director shall, upon recommendation of the dairy products commission, examine the potential impact of livestock remedies, which, if used in dairy operations, may affect consumer acceptance and purchases of dairy products and shall monitor the use of such livestock remedies by producers.

(2) The director may adopt rules temporarily restricting the use of such livestock remedies by producers if the commission finds that its use has caused or will cause the consumption of dairy products in this state to be reduced significantly and poses a threat to the economic vitality of the dairy industry in this state.

(3) Rules adopted under this section shall remain in force only as long as necessary to achieve consumer acceptance of livestock remedies being restricted under this section. Such rules shall not pertain to agricultural commodities that are used as feed by dairy producers.

NEW SECTION. Sec. 4. A new section is added to chapter 15.52 RCW to read as follows:

Every person who fails to comply with section 3 of this act or the rules adopted under it may be subjected to a civil penalty, as determined by the director, in an amount of not more than five thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated this section and may be subject to the civil penalty herein provided.

NEW SECTION. Sec. 5. RCW 15.52.010 and sections 3 and 4 of this act shall expire on June 30, 1993."

POINT OF ORDER

Senator West: "Mr. President, a point of order. I would challenge the scope and object on this amendment. The underlying bill is what we have to look to and this is simply a repealer. The underlying bill does nothing more than repeal several sections of current law. By offering this amendment, the makers are attempting to add new law. I think that that goes well beyond the original intent--the original object--the original scope of the bill and would recommend that the ruling go that way."

MOTION

On motion of Senator Newhouse, further consideration of House Bill No. 2555 was deferred.

There being no objection, the President reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

March 2, 1990

SB 6413 Prime Sponsor, Senator McDonald: Changing the state's general obligation bonds authority. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6413 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Fleming, Johnson, Lee, Newhouse, Niemi, Saling, Smith, Talmadge.

Referred to Committee on Rules for second reading.

March 2, 1990

HB 2395 Prime Sponsor, Representative Anderson: Regarding reimbursement of nursing homes authorized to meet the needs of people with AIDS. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu,

Fleming, Gaspard, Johnson, Lee, Newhouse, Niemi, Saling, Smith, Talmadge, Wojahn.

HOLD.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Bill No. 2395 was advanced to second reading and placed on the second reading calendar.

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2395, by Representatives Anderson, Brooks, Braddock, Moyer, Locke, Prentice, Jacobsen, Scott and Wineberry

Regarding reimbursement of nursing homes authorized to meet the needs of people with AIDS.

The bill was read the second time.

MOTIONS

On motion of Senator McDonald, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 24, chapter 67, Laws of 1983 1st ex. sess. as amended by section 5, chapter 476, Laws of 1987 and RCW 74.46.481 are each amended to read as follows:

(1) The nursing services cost center shall include all costs related to the direct provision of nursing and related care, including fringe benefits and payroll taxes for the nursing and related care personnel. For rates effective for state fiscal year 1984, the department shall adopt by administrative rule a definition of "related care" which shall incorporate, but not exceed services reimbursable as of June 30, 1983. For rates effective for state fiscal year 1985, the definition of related care shall include ancillary care.

(2) The department shall adopt by administrative rules a method for establishing a nursing services cost center rate consistent with the principles stated in this section.

(3) Utilizing regression or other statistical technique, the department shall determine a reasonable limit on facility nursing staff taking into account facility patient characteristics. For purposes of this section, facility nursing staff refers to registered nurses, licensed practical nurses and nursing assistants employed by the facility or obtained through temporary labor contract arrangements. Effective January 1, 1988, the hours associated with the training of nursing assistants and the supervision of that training for nursing assistants shall not be included in the calculation of facility nursing staff. In selecting a measure of patient characteristics, the department shall take into account:

(a) The correlation between alternative measures and facility nursing staff; and

(b) The cost of collecting information for and computation of a measure.

If regression is used, the limit shall be set at predicted nursing staff plus 1.75 regression standard errors. If another statistical method is utilized, the limit shall be set at a level corresponding to 1.75 standard errors above predicted staffing computed according to a regression procedure.

(4) No facility shall receive reimbursement for nursing staff levels in excess of the limit, except that, if a facility was reimbursed for a nursing staff level in excess of the limit as of June 30, 1983, the facility may choose to continue to receive its June, 1983 nursing services rate plus any adjustments in rates, such as adjustments for economic trends, made available to all facilities. However, nursing staff levels established under subsection (3) of this section shall not apply to the nursing services cost center reimbursement rate for the pilot facility especially designed to meet the needs of persons living with AIDS as defined by RCW 70.24.017 and specifically authorized for this purpose under the 1989 amendment to the Washington state health plan. The reasonableness limit established pursuant to this subsection shall remain in effect for the period July 1, 1983 through June 30, 1985. At that time the department may revise the measure of patient characteristics or method used to establish the limit.

(5) The department shall select an index of cost increase relevant to the nursing and related services cost area. In the absence of a more representative index, the department shall use the medical care component index as maintained by the United States bureau of labor statistics.

(6) If a facility's nursing staff level is below the limit specified in subsection (3) of this section, the department shall determine the percentage increase for all items included in the nursing services cost center between the facility's most recent cost reporting period and the next prior cost reporting period.

(a) If the percentage cost increase for a facility is below the increase in the selected index for the same time period, the facility's reimbursement rate in the nursing services cost center shall equal the facility's cost from the most recent cost reporting period plus any allowance for inflation provided by legislative appropriation.

(b) If the percentage cost increase for a facility exceeds the increase in the selected index, the department shall limit the cost used for setting the facility's rate in the nursing services cost area to a level reflecting the increase in the selected index.

(7) If the facility's nursing staff level exceeds the reasonableness limit established in subsection (3) of this section, the department shall determine the increase for all items included in the nursing services cost center between the facility's most recent cost reporting period and the next prior cost reporting period.

(a) If the percentage cost increase for a facility is below the increase in the index selected pursuant to subsection (5) of this section, the facility's reimbursement rate in the nursing cost center shall equal the facility's cost from the most recent cost reporting period adjusted downward to reflect the limit on nursing staff, plus any allowance for inflation provided by legislative appropriation subject to the provisions of subsection (4) of this section.

(b) If the percentage cost increase for a facility exceeds the increase in the selected index, the department shall limit the cost used for setting the facility's rate in the nursing services cost center to a level reflecting the nursing staff limit and the cost increase limit, subject to the provisions of subsection (4) of this section, plus any allowance for inflation provided by legislative appropriation.

(8) The department is authorized to determine on a systematic basis facilities with unmet patient care service needs. The department may increase the nursing services cost center prospective rate for a facility beyond the level determined in accordance with subsection (6) of this section if the facility's actual and reported nursing staffing is one standard error or more below predicted staffing as determined according to the method selected pursuant to subsection (3) of this section and the facility has unmet patient care service needs: PROVIDED, That prospective rate increases authorized by this subsection shall be funded only from legislative appropriations made for this purpose and the increases shall be conditioned on specified improvements in patient care at such facilities.

(9) The department shall establish a method for identifying patients with exceptional care requirements and a method for establishing or negotiating on a consistent basis rates for such patients.

(10) The department, in consultation with interested parties, shall adopt rules to establish the criteria the department will use in reviewing any requests by a contractor for a prospective rate adjustment to be used to increase the number of nursing staff. These rules shall also specify the time period for submission and review of staffing requests: PROVIDED, That a decision on a staffing request shall not take longer than sixty days from the date the department receives such a complete request. In establishing the criteria, the department may consider, but is not limited to, the following:

(a) Increases in acuity levels of contractors' residents;

(b) Staffing patterns for similar facilities;

(c) Physical plant of contractor; and

(d) Survey, inspection of care, and department consultation results.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator West, the following title amendment was adopted:

On page 1, line 3 of the title, after "AIDS;" strike the remainder of the title and insert "amending RCW 74.46.481; and declaring an emergency."

MOTION

On motion of Senator McDonald, House Bill No. 2395, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Stratton: "Senator West, as I understand it, no nursing home can refuse to take an AIDS patient among them. As the patients increase, will this apply to other nursing homes, too, that are taking care of AIDS patients?"

Senator West: "This only applies to nursing homes that are exclusively for AIDS patients."

Senator Stratton: "Exclusively for AIDS patients?"

Senator West: "The other nursing homes tell us that it is not as much a problem, but these folks are going to have an extensive case load with these patients."

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2395, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2395, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senators Madsen, Matson, Smith - 3.

HOUSE BILL NO. 2395, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1653, by Committee on Judiciary (originally sponsored by Representative Appelwick)

Regulating credit agreements.

The bill was read the second time.

MOTION

On motion of Senator von Reichbauer, Second Substitute House Bill No. 1653 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1653.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1653 and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Voting nay: Senator Talmadge - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1653, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3001, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, R. Meyers, Dellwo and Crane) (by request of Insurance Commissioner)

Concerning solvency protection for health maintenance organizations.

The bill was read the second time.

MOTIONS

On motion of Senator von Reichbauer, the following Committee on Financial Institutions and Insurance amendment was adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 3, chapter 290, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 106, Laws of 1983 and RCW 48.46.020 are each amended to read as follows:

As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context indicates otherwise.

(1) "Health maintenance organization" means any organization receiving a certificate of ~~(authority)~~ registration by the commissioner under this chapter which provides comprehensive health care services to enrolled participants of such organization on a group practice per

capita prepayment basis or on a prepaid individual practice plan, except for an enrolled participant's responsibility for copayments and/or deductibles, either directly or through contractual or other arrangements with other institutions, entities, or persons, and which qualifies as a health maintenance organization pursuant to RCW 48.46.030 and 48.46.040.

(2) "Comprehensive health care services" means basic consultative, diagnostic, and therapeutic services rendered by licensed health professionals together with emergency and preventive care, inpatient hospital, outpatient and physician care, at a minimum, and any additional health care services offered by the health maintenance organization.

(3) "Enrolled participant" means a person who or group of persons which has entered into a contractual arrangement or on whose behalf a contractual arrangement has been entered into with a health maintenance organization to receive health care services.

(4) "Health professionals" means health care practitioners who are ((licensed under the provisions of chapters 18.22, 18.25, 18.29, 18.32, 18.34, 18.53, 18.57, 18.57A, 18.64, 18.71, 18.71A, 18.74, 18.78, 18.83, or 18.88 RCW)) regulated by the state of Washington.

(5) "Health maintenance agreement" means an agreement for services between a health maintenance organization which is registered pursuant to the provisions of this chapter and enrolled participants of such organization which provides enrolled participants with comprehensive health services rendered to enrolled participants by health professionals, groups, facilities, and other personnel associated with the health maintenance organization.

(6) "Consumer" means any member, subscriber, enrollee, beneficiary, or other person entitled to health care services under terms of a health maintenance agreement, but not including health professionals, employees of health maintenance organizations, partners, or shareholders of stock corporations licensed as health maintenance organizations.

(7) "Meaningful role in policy making" means a procedure approved by the commissioner which provides consumers or elected representatives of consumers a means of submitting the views and recommendations of such consumers to the governing board of such organization coupled with reasonable assurance that the board will give regard to such views and recommendations.

(8) "Meaningful grievance procedure" means a procedure for investigation of consumer grievances in a timely manner aimed at mutual agreement for settlement according to procedures approved by the commissioner, and which may include arbitration procedures.

(9) "Provider" means any health professional, hospital, or other institution, organization, or person that furnishes any health care services and is licensed or otherwise authorized to furnish such services.

(10) "Department" means the state department of social and health services.

(11) "Commissioner" means the insurance commissioner.

(12) "Group practice" means a partnership, association, corporation, or other group of health professionals:

(a) The members of which may be individual health professionals, clinics, or both individuals and clinics who engage in the coordinated practice of their profession; and

(b) The members of which are compensated by a prearranged salary, or by capitation payment or drawing account that is based on the number of enrolled participants.

(13) "Individual practice health care plan" means an association of health professionals in private practice who associate for the purpose of providing prepaid comprehensive health care services on a fee-for-service or capitation basis.

(14) "Uncovered expenditures" means the costs to the health maintenance organization of health care services that are ((covered by a) the obligation of the health maintenance organization for which an enrolled participant would also be liable in the event of the health maintenance organization's insolvency and for which no alternative arrangements have been made as provided herein. The term does not include expenditures for covered services when a provider has agreed not to bill the enrolled participant even though the provider is not paid by the health maintenance organization, or for services that are guaranteed, insured, or assumed by a person or organization other than the health maintenance organization.

(15) "Copayment" means an amount specified in a subscriber agreement which is an obligation of an enrolled participant for a specific service which is not fully prepaid.

(16) "Deductible" means the amount an enrolled participant is responsible to pay out-of-pocket before the health maintenance organization begins to pay the costs associated with treatment.

(17) "Fully subordinated debt" means those debts that meet the requirements of section 5(3) of this act and are recorded as equity.

(18) "Net worth" means the excess of total admitted assets as defined in RCW 48.12.010 over total liabilities but the liabilities shall not include fully subordinated debt.

(19) "Participating provider" means a provider as defined in subsection (9) of this section who contracts with the health maintenance organization or with its contractor or subcontractor and has agreed to provide health care services to enrolled participants with an expectation of receiving payment, other than copayment or deductible, directly or indirectly, from the health maintenance organization.

(20) "Carrier" means a health maintenance organization, an insurer, a health care services contractor, or other entity responsible for the payment of benefits or provision of services under a group or individual agreement.

(21) "Replacement coverage" means the benefits provided by a succeeding carrier.

(22) "Insolvent" or "insolvency" means that the organization has been declared insolvent and is placed under an order of liquidation by a court of competent jurisdiction.

Sec. 2. Section 4, chapter 290, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 320, Laws of 1985 and RCW 48.46.030 are each amended to read as follows:

Any corporation, cooperative group, partnership, individual, association, or groups of health professionals licensed by the state of Washington, public hospital district, or public institutions of higher education shall be entitled to a certificate of registration from the insurance commissioner as a health maintenance organization if it:

(1) Provides comprehensive health care services to enrolled participants on a group practice per capita prepayment basis or on a prepaid individual practice plan and provides such health services either directly or through arrangements with institutions, entities, and persons which its enrolled population might reasonably require as determined by the health maintenance organization in order to be maintained in good health; and

(2) Is governed by a board elected by enrolled participants, or otherwise provides its enrolled participants with a meaningful role in policy making procedures of such organization, as defined in RCW 48.46.020(7), and 48.46.070; and

(3) Affords enrolled participants with a meaningful grievance procedure aimed at settlement of disputes between such persons and such health maintenance organization, as defined in RCW 48.46.020(8) and 48.46.100; and

(4) Provides enrolled participants, or makes available for inspection at least annually, financial statements pertaining to health maintenance agreements, disclosing income and expenses, assets and liabilities, and the bases for proposed rate adjustments for health maintenance agreements relating to its activity as a health maintenance organization; and

(5) Demonstrates to the satisfaction of the commissioner that its facilities and personnel are reasonably adequate to provide comprehensive health care services to enrolled participants and that it is financially capable of providing such members with, or has made adequate contractual arrangements through insurance or otherwise to provide such members with, such health services; and

(6) Substantially complies with administrative rules and regulations of the commissioner for purposes of this chapter; and

(7) Submits an application for a certificate of registration which shall be verified by an officer or authorized representative of the applicant, being in form as the commissioner prescribes, and setting forth:

(a) A copy of the basic organizational document, if any, of the applicant, such as the articles of incorporation, articles of association, partnership agreement, trust agreement, or other applicable documents, and all amendments thereto;

(b) A copy of the bylaws, rules and regulations, or similar documents, if any, which regulate the conduct of the internal affairs of the applicant, and all amendments thereto;

(c) A list of the names, addresses, members of the board of directors, board of trustees, executive committee, or other governing board or committee and the principal officers, partners, or members;

(d) A full and complete disclosure of any financial interests held by any officer, or director in any provider associated with the applicant or any provider of the applicant;

(e) A description of the health maintenance organization, its facilities and its personnel, and the applicant's most recent financial statement showing such organization's assets, liabilities, income, and other sources of financial support;

(f) A description of the geographic areas and the population groups to be served and the size and composition of the anticipated enrollee population;

(g) A copy of each type of health maintenance agreement to be issued to enrolled participants;

(h) A schedule of all proposed rates of reimbursement to contracting health care facilities or providers, if any, and a schedule of the proposed charges for enrollee coverage for health care services, accompanied by data relevant to the formulation of such schedules;

(i) A description of the proposed method and schedule for soliciting enrollment in the applicant health maintenance organization and the basis of compensation for such solicitation services;

(j) A copy of the solicitation document to be distributed to all prospective enrolled participants in connection with any solicitation;

(k) A financial projection which sets forth the anticipated results during the initial two years of operation of such organization, accompanied by a summary of the assumptions and relevant data upon which the projection is based. The projection should include the projected expenses, enrollment trends, income, enrollee utilization patterns, and sources of working capital;

(l) A detailed description of the enrollee complaint system as provided by RCW 48.46.100;

(m) A detailed description of the procedures and programs to be implemented to assure that the health care services delivered to enrolled participants will be of professional quality; ~~((and))~~

(n) A detailed description of procedures to be implemented to meet the requirements to protect against insolvency in section 8 of this act;

(o) Documentation that the health maintenance organization has an initial net worth of one million dollars and shall thereafter maintain the minimum net worth required under section 5 of this act; and

(p) Such other information as the commissioner shall require by rule or regulation which is reasonably necessary to carry out the provisions of this section.

A health maintenance organization shall, unless otherwise provided for in this chapter, file a notice describing any modification of any of the information required by subsection (7) of this section. Such notice shall be filed with the commissioner.

Sec. 3. Section 5, chapter 290, Laws of 1975 1st ex. sess. as last amended by section 223, chapter 9, Laws of 1989 1st ex. sess. and RCW 48.46.040 are each amended to read as follows:

The commissioner shall issue a certificate of registration to the applicant within sixty days of such filing unless he notifies the applicant within such time that such application is not complete and the reasons therefor; or that he is not satisfied that:

(1) The basic organizational document of the applicant permits the applicant to conduct business as a health maintenance organization;

(2) The organization has demonstrated the intent and ability to assure that comprehensive health care services will be provided in a manner to assure both their availability and accessibility;

(3) The organization is financially responsible and may be reasonably expected to meet its obligations to its enrolled participants. In making this determination, the commissioner shall consider among other relevant factors:

(a) Any agreements with an insurer, a medical or hospital service bureau, a government agency or any other organization paying or insuring payment for health care services;

(b) Any agreements with providers for the provision of health care services; ~~((and))~~

(c) Any arrangements for liability and malpractice insurance coverage; and

(d) Adequate procedures to be implemented to meet the protection against insolvency requirements in section 8 of this act.

(4) The procedures for offering health care services and offering or terminating contracts with enrolled participants are reasonable and equitable in comparison with prevailing health insurance subscription practices and health maintenance organization enrollment procedures; and, that

(5) Procedures have been established to:

(a) Monitor the quality of care provided by such organization, including, as a minimum, procedures for internal peer review;

(b) Resolve complaints and grievances initiated by enrolled participants in accordance with RCW 48.46.010 and 48.46.100;

(c) Offer enrolled participants an opportunity to participate in matters of policy and operation in accordance with RCW 48.46.020(7) and 48.46.070.

No person to whom a certificate of registration has not been issued, except a health maintenance organization certified by the secretary of the department of health ~~((education and welfare))~~ and human services, pursuant to Public Law 93-222 or its successor, shall use the words "health maintenance organization" or the initials "HMO" in its name, contracts, or literature. Persons who are contracting with, operating in association with, recruiting enrolled participants for, or otherwise authorized by a health maintenance organization possessing a certificate of registration to act on its behalf may use the terms "health maintenance organization" or "HMO" for the limited purpose of denoting or explaining their relationship to such health maintenance organization.

The department of health, at the request of the insurance commissioner, shall inspect and review the facilities of every applicant health maintenance organization to determine that such facilities are reasonably adequate to provide the health care services offered in their contracts. If the commissioner has information to indicate that such facilities fail to continue to be adequate to provide the health care services offered, the department of health, upon request of the insurance commissioner, shall reinspect and review the facilities and report to the insurance commissioner as to their adequacy or inadequacy.

NEW SECTION. Sec. 4. A new section is added to chapter 48.46 RCW to read as follows:

(1) Any rehabilitation, liquidation, or conservation of a health maintenance organization shall be deemed to be the rehabilitation, liquidation, or conservation of an insurance company and shall be conducted under the supervision of the commissioner pursuant to the law governing the rehabilitation, liquidation, or conservation of insurance companies. The commissioner may apply for an order directing the commissioner to rehabilitate, liquidate, or conserve a health maintenance organization upon any one or more grounds set out in RCW 48.31.030, 48.31.050, and 48.31.080. Enrolled participants shall have the same priority in the event of liquidation or rehabilitation as the law provides to policyholders of an insurer.

(2) For purposes of determining the priority of distribution of general assets, claims of enrolled participants and enrolled participants' beneficiaries shall have the same priority as established by RCW 48.31.280 for policyholders and beneficiaries of insureds of insurance companies. If an enrolled participant is liable to any provider for services provided pursuant to and covered by the health maintenance agreement, that liability shall have the status of an enrolled participant claim for distribution of general assets.

(3) A provider who is obligated by statute or agreement to hold enrolled participants harmless from liability for services provided pursuant to and covered by a health care plan shall have a priority of distribution of the general assets immediately following that of enrolled participants and enrolled participants' beneficiaries as described herein, and immediately preceding the priority of distribution described in RCW 48.31.280(2)(e).

NEW SECTION. Sec. 5. A new section is added to chapter 48.46 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, every health maintenance organization must maintain a minimum net worth equal to the greater of:

(a) One million dollars, or

(b) Two percent of annual premium revenues as reported on the most recent annual financial statement filed with the commissioner on the first one hundred fifty million dollars of premium and one percent of annual premium on the premium in excess of one hundred fifty million dollars; or

(c) An amount equal to the sum of three months' uncovered expenditures as reported on the most recent financial statement filed with the commissioner.

(2) A health maintenance organization registered before the effective date of this act, must maintain a minimum net worth of:

(a) Twenty-five percent of the amount required by subsection (1) of this section by December 31, 1990;

(b) Fifty percent of the amount required by subsection (1) of this section by December 31, 1991;

(c) Seventy-five percent of the amount required by subsection (1) of this section by December 31, 1992; and

(d) One hundred percent of the amount required by subsection (1) of this section by December 31, 1993.

(3)(a) In determining net worth, no debt shall be considered fully subordinated unless the subordination clause is in a form acceptable to the commissioner. An interest obligation relating to the repayment of a subordinated debt must be similarly subordinated.

(b) The interest expenses relating to the repayment of a fully subordinated debt shall not be considered uncovered expenditures.

(c) A subordinated debt incurred by a note meeting the requirement of this section, and otherwise acceptable to the commissioner, shall not be considered a liability and shall be recorded as equity.

(4) Every health maintenance organization shall, when determining liabilities, include an amount estimated in the aggregate to provide for any unearned premium and for the payment of all claims for health care expenditures that have been incurred, whether reported or unreported, which are unpaid and for which such organization is or may be liable, and to provide for the expense of adjustment or settlement of such claims.

Such liabilities shall be computed in accordance with rules promulgated by the commissioner upon reasonable consideration of the ascertained experience and character of the health maintenance organization.

Sec. 6. Section 3, chapter 151, Laws of 1982 as amended by section 4, chapter 320, Laws of 1985 and RCW 48.46.240 are each amended to read as follows:

(1) Each health maintenance organization obtaining a certificate of ~~((authority))~~ registration from the commissioner shall provide and maintain a funded reserve of one hundred fifty thousand dollars ~~(- which shall be in addition to any deposit or contingent reserve requirements set forth in RCW 48.46.230)~~. The funded reserve shall be deposited with the commissioner or with any organization/trustee acceptable to him in the form of cash, securities eligible for investment by the health maintenance organization pursuant to chapter 48.13 RCW, approved surety bond or any combination of these ~~((or other measures that are acceptable to the commissioner))~~, and must equal or exceed one hundred fifty thousand dollars. The funded reserve shall be established as ~~((a guarantee))~~ an assurance that the uncovered expenditure obligations of the health maintenance organization to the enrolled participants will be performed.

(2) ~~((Any health maintenance organization that is in operation on January 1, 1983, shall establish a funded reserve of one hundred thousand dollars within one year and accrue twenty-five thousand dollars on the first day of the second and third fiscal years following twelve months after January 1, 1983))~~ All income from reserves on deposit with the commissioner shall belong to the depositing health maintenance organization and shall be paid to it as it becomes available.

(3) Any funded reserve required by this section shall be considered an asset of the health maintenance organization in determining the organization's net worth.

(4) A health maintenance organization that has made a securities deposit with the commissioner may, at its option, withdraw the securities deposit or any part of the deposit after first having deposited or provided in lieu thereof an approved surety bond, a deposit of cash or securities, or any combination of these or other deposits of equal amount and value to that withdrawn. Any securities and surety bond shall be subject to approval by the commissioner before being substituted.

NEW SECTION. Sec. 7. A new section is added to chapter 48.46 RCW to read as follows:

(1) Subject to subsection (2) of this section, every contract between a health maintenance organization and its participating providers of health care services shall be in writing and shall set forth that in the event the health maintenance organization fails to pay for health care services as set forth in the agreement, the enrolled participant shall not be liable to the provider for any sums owed by the health maintenance organization. Every such contract shall provide that this requirement shall survive termination of the contract.

(2) The provisions of subsection (1) of this section shall not apply to emergency care from a provider who is not a participating provider, to out-of-area services or, in exceptional situations approved in advance by the commissioner, if the health maintenance organization is unable to negotiate reasonable and cost-effective participating provider contracts.

(3)(a) Each participating provider contract form shall be filed with the commissioner fifteen days before it is used.

(b) Any contract form not affirmatively disapproved within fifteen days of filing shall be deemed approved, except that the commissioner may extend the approval period an additional fifteen days upon giving notice before the expiration of the initial fifteen-day period. The commissioner may approve such a contract form for immediate use at any time. Approval may be subsequently withdrawn for cause.

(c) Subject to the right of the health maintenance organization to demand and receive a hearing under chapters 48.04 and 34.05 RCW, the commissioner may disapprove such a contract form if it is in any respect in violation of this chapter or if it fails to conform to minimum provisions or standards required by the commissioner by rule under chapter 34.05 RCW.

(4) No participating provider, or agent, trustee, or assignee thereof, may maintain an action against an enrolled participant to collect sums owed by the health maintenance organization.

NEW SECTION. Sec. 8. A new section is added to chapter 48.46 RCW to read as follows:

Each health maintenance organization shall have a plan for handling insolvency which allows for continuation of benefits for the duration of the agreement period for which premiums have been paid and continuation of benefits to members who are confined on the date of insolvency in an inpatient facility until their discharge or expiration of benefits. The commissioner shall approve such a plan if it includes:

(1) Insurance to cover the expenses to be paid for continued benefits after insolvency;

(2) Provisions in provider contracts that obligate the provider to provide services for the duration of the period after the health maintenance organization's insolvency for which premium payment has been made and until the enrolled participants' discharge from inpatient facilities;

(3) Use of insolvency reserves established under RCW 48.46.240;

(4) Acceptable letters of credit or approved surety bonds; or

(5) Any other arrangements the commissioner and the organization mutually agree are appropriate to assure that benefits are continued.

NEW SECTION. Sec. 9. A new section is added to chapter 48.46 RCW to read as follows:

(1)(a) In the event of insolvency of a health care service contractor or health maintenance organization and upon order of the commissioner, all other carriers then having active enrolled participants under a group plan with the affected agreement holder that participated in the enrollment process with the insolvent health care service contractor or health maintenance organization at a group's last regular enrollment period shall offer the eligible enrolled participants of the insolvent health services contractor or health maintenance organization the opportunity to enroll in an existing group plan without medical underwriting during a thirty-day open enrollment period, commencing on the date of the insolvency. Eligible enrolled participants shall not be subject to preexisting condition limitations except to the extent that a waiting period for a preexisting condition has not been satisfied under the insolvent carrier's group plan. An open enrollment shall not be required where the agreement holder participates in a self-insured, self-funded, or other health plan exempt from commissioner rule, unless the plan administrator and agreement holder voluntarily agree to offer a simultaneous open enrollment and extend coverage under the same enrollment terms and conditions as are applicable to carriers under this title and rules adopted under this title. If an exempt plan was offered during the last regular open enrollment period, then the carrier may offer the agreement holder the same coverage as any self-insured plan or plans offered by the agreement holder without regard to coverage, benefit, or provider requirements mandated by this title for the duration of the current agreement period.

(b) For purposes of this subsection only, the term "carrier" means a health maintenance organization or a health care service contractor. In the event of insolvency of a carrier and if

no other carrier has active enrolled participants under a group plan with the affected agreement holder, or if the commissioner determines that the other carriers lack sufficient health care delivery resources to assure that health services will be available or accessible to all of the group enrollees of the insolvent carrier, then the commissioner shall allocate equitably the insolvent carrier's group agreements for these groups among all carriers that operate within a portion of the insolvent carrier's area, taking into consideration the health care delivery resources of each carrier. Each carrier to which a group or groups are allocated shall offer the agreement holder, without medical underwriting, the carrier's existing coverage that is most similar to each group's coverage with the insolvent carrier at rates determined in accordance with the successor carrier's existing rating methodology. The eligible enrolled participants shall not be subject to preexisting condition limitations except to the extent that a waiting period for a preexisting condition has not been satisfied under the insolvent carrier's group plan. No offering by a carrier shall be required where the agreement holder participates in a self-insured, self-funded, or other health plan exempt from commissioner rule. The carrier may offer the agreement holder the same coverage as any self-insured plan or plans offered by the agreement holder without regard to coverage, benefit, or provider requirements mandated by this title for the duration of the current agreement period.

(2) The commissioner shall also allocate equitably the insolvent carrier's nongroup enrolled participants who are unable to obtain coverage among all carriers that operate within a portion of the insolvent carrier's service area, taking into consideration the health care delivery resources of the carrier. Each carrier to which nongroup enrolled participants are allocated shall offer the nongroup enrolled participants the carrier's existing comprehensive conversion plan, without additional medical underwriting, at rates determined in accordance with the successor carrier's existing rating methodology. The eligible enrolled participants shall not be subject to preexisting condition limitations except to the extent that a waiting period for a preexisting condition has not been satisfied under the insolvent carrier's plan.

(3) Any agreements covering participants allocated pursuant to subsections (1)(b) and (2) of this section to carriers pursuant to this section may be rerated after ninety days of coverage.

(4) A limited health care service contractor shall not be required to offer services other than its one limited health care service to any enrolled participant of an insolvent carrier.

Sec. 10. Section 20, chapter 106, Laws of 1983 and RCW 48.46.420 are each amended to read as follows:

(1) Any health maintenance organization which, or person who, violates any provision of this chapter shall be guilty of a gross misdemeanor.

(2) A health maintenance organization that fails to comply with the net worth requirements of this chapter must cure that defect in compliance with an order of the commissioner rendered in conformity with rules adopted pursuant to chapter 34.05 RCW. The commissioner is authorized to take appropriate action to assure that the continued operation of the health maintenance organization will not be hazardous to its enrolled participants.

Sec. 11. Section 3, chapter 243, Laws of 1986 and RCW 48.80.030 are each amended to read as follows:

(1) A person shall not make or present or cause to be made or presented to a health care payer a claim for a health care payment knowing the claim to be false.

(2) No person shall knowingly present to a health care payer a claim for a health care payment that falsely represents that the goods or services were medically necessary in accordance with professionally accepted standards. Each claim that violates this subsection shall constitute a separate offense.

(3) No person shall knowingly make a false statement or false representation of a material fact to a health care payer for use in determining rights to a health care payment. Each claim that violates this subsection shall constitute a separate violation.

(4) No person shall conceal the occurrence of any event affecting his or her initial or continued right under a contract, certificate, or policy of insurance to have a payment made by a health care payer for a specified health care service. A person shall not conceal or fail to disclose any information with intent to obtain a health care payment to which the person or any other person is not entitled, or to obtain a health care payment in an amount greater than that which the person or any other person is entitled.

(5) No provider shall willfully collect or attempt to collect an amount from an insured knowing that to be in violation of an agreement or contract with a health care payor to which the provider is a party.

(6) A person who violates this section is guilty of a class C felony punishable under chapter 9A.20 RCW.

~~((6))~~ (7) This section does not apply to statements made on an application for coverage under a contract or certificate of health care coverage issued by an insurer, health care service contractor, health maintenance organization, or other legal entity which is self-insured and providing health care benefits to its employees.

NEW SECTION. Sec. 12. Section 2, chapter 151, Laws of 1982 and RCW 48.46.230 are each repealed.

On motion of Senator von Reichbauer, the following title amendment was adopted:

On page 1, line 2 of the title, after "organizations;" strike the remainder of the title and insert "amending RCW 48.46.020, 48.46.030, 48.46.040, 48.46.240, 48.46.420, and 48.80.030; adding new sections to chapter 48.46 RCW; repealing RCW 48.46.230; and prescribing penalties."

MOTION

On motion of Senator von Reichbauer, Substitute House Bill No. 3001, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Anderson, Senator Patterson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 3001, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3001, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senator Conner - 1.

Excused: Senator Patterson - 1.

SUBSTITUTE HOUSE BILL NO. 3001, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3002, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, R. Meyers, Dellwo and Crane) (by request of Insurance Commissioner)

Concerning solvency protection for health care service contractors.

The bill was read the second time.

MOTIONS

On motion of Senator von Reichbauer, the following Committee on Financial Institutions and Insurance amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 223, Laws of 1986 and RCW 48.44.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Health care services" means and includes medical, surgical, dental, chiropractic, hospital, optometric, podiatric, pharmaceutical, ambulance, custodial, mental health, and other therapeutic services.

(2) "Provider" means any ~~((person lawfully licensed or authorized by the state of Washington to render any health care))~~ health professional, hospital, or other institution, organization, or person that furnishes health care services and is licensed to furnish such services.

(3) "Health care service contractor" means any corporation, cooperative group, or association, which is sponsored by or otherwise intimately connected with a provider or group of providers, who or which not otherwise being engaged in the insurance business, accepts prepayment for health care services from or for the benefit of persons or groups of persons as consideration for providing such persons with any health care services.

(4) "~~(Participant)~~ Participating provider" means a provider, who or which has contracted in writing with a health care service contractor to accept payment from and to look solely to such contractor according to the terms of the subscriber contract for any health care services rendered to a person who has previously paid, or on whose behalf prepayment has been made, to such contractor for such services.

(5) "Enrolled participant" means a person or group of persons who have entered into a contractual arrangement or on whose behalf a contractual arrangement has been entered into with a health care service contractor to receive health care services.

(6) "Commissioner" means the insurance commissioner.

(7) "Uncovered expenditures" means the costs to the health care service contractor for health care services that are the obligation of the health care service contractor for which an enrolled participant would also be liable in the event of the health care service contractor's insolvency and for which no alternative arrangements have been made as provided herein. The term does not include expenditures for covered services when a provider has agreed not to bill the enrolled participant even though the provider is not paid by the health care service contractor, or for services that are guaranteed, insured or assumed by a person or organization other than the health care service contractor.

(8) "Copayment" means an amount specified in a group or individual contract which is an obligation of an enrolled participant for a specific service which is not fully prepaid.

(9) "Deductible" means the amount an enrolled participant is responsible to pay before the health care service contractor begins to pay the costs associated with treatment.

(10) "Group contract" means a contract for health care services which by its terms limits eligibility to members of a specific group. The group contract may include coverage for dependents.

(11) "Individual contract" means a contract for health care services issued to and covering an individual. An individual contract may include dependents.

(12) "Carrier" means a health maintenance organization, an insurer, a health care service contractor, or other entity responsible for the payment of benefits or provision of services under a group or individual contract.

(13) "Replacement coverage" means the benefits provided by a succeeding carrier.

(14) "Insolvent" or "insolvency" means that the organization has been declared insolvent and is placed under an order of liquidation by a court of competent jurisdiction.

(15) "Fully subordinated debt" means those debts that meet the requirements of section 4(3) of this act and are recorded as equity.

(16) "Net worth" means the excess of total admitted assets as defined in RCW 48.12.010 over total liabilities but the liabilities shall not include fully subordinated debt.

NEW SECTION. Sec. 2. A new section is added to chapter 48.44 RCW to read as follows:

(1) Any rehabilitation, liquidation, or conservation of a health care service contractor shall be deemed to be the rehabilitation, liquidation, or conservation of an insurance company and shall be conducted under the supervision of the commissioner pursuant to the law governing the rehabilitation, liquidation, or conservation of insurance companies. The commissioner may apply for an order directing the commissioner to rehabilitate, liquidate, or conserve a health care service contractor upon any one or more grounds set out in RCW 48.31.030, 48.31.050, and 48.31.080.

(2) For purpose of determining the priority of distribution of general assets, claims of enrolled participants and enrolled participants' beneficiaries shall have the same priority as established by RCW 48.31.280 for policyholders and beneficiaries of insureds of insurance companies. If an enrolled participant is liable to any provider for services provided pursuant to and covered by the health care plan, that liability shall have the status of an enrolled participant claim for distribution of general assets.

(3) Any provider who is obligated by statute or agreement to hold enrolled participants harmless from liability for services provided pursuant to and covered by a health care plan shall have a priority of distribution of the general assets immediately following that of enrolled participants and enrolled participants' beneficiaries as described herein, and immediately preceding the priority of distribution described in chapter 48.31 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 48.44 RCW to read as follows:

(1) For purposes of this section only, "limited health care service" means dental care services, vision care services, mental health services, chemical dependency services, pharmaceutical services, podiatric care services, and such other services as may be determined by the commissioner to be limited health services, but does not include hospital, medical, surgical, emergency, or out-of-area services except as those services are provided incidentally to the limited health services set forth in this subsection.

(2) For purposes of this section only, a "limited health care service contractor" means a health care service contractor that offers one and only one limited health care service.

(3) For all limited health care service contractors that have had a certificate of registration for less than three years, their uncovered expenditures shall be either insured or guaranteed by a foreign or domestic carrier admitted in the state of Washington or by another carrier acceptable to the commissioner. All such contractors shall also deposit with the commissioner one-half of one percent of their projected premium for the next year in cash, approved surety bond, securities, or other form acceptable to the commissioner.

(4) For all limited health care service contractors that have had a certificate of registration for three years or more, their uncovered expenditures shall be assured by depositing with the insurance commissioner twenty-five percent of their last year's uncovered expenditures as

reported to the commissioner and adjusted to reflect any anticipated increases or decreases during the ensuing year plus an amount for unearned prepayments; in cash, approved surety bond, securities, or other form acceptable to the commissioner. Compliance with subsection (3) of this section shall also constitute compliance with this requirement.

(5) Limited health service contractors need not comply with section 4 or 7 of this act.

NEW SECTION, Sec. 4. A new section is added to chapter 48.44 RCW to read as follows:

(1)(a) Except as provided in subsection (2) of this section, every health care service contractor must have a net worth of one million five hundred thousand dollars at the time of initial registration under this chapter and a net worth of one million dollars thereafter. The commissioner is authorized to establish standards for reviewing a health care service contractor's financial integrity when, for any reason, its net worth is reduced below one million dollars. When satisfied that such a health care service contractor is financially stable and not hazardous to its enrolled participants, the commissioner may waive compliance with the one million dollar net worth standard otherwise required by this subsection. When such a health care service contractor's net worth falls below five hundred thousand dollars, the commissioner shall require that net worth be increased to one million dollars.

(b) A health care service contractor who fails to maintain the required net worth must cure that defect in compliance with an order of the commissioner rendered in conformity with rules adopted under chapter 34.05 RCW. The commissioner may take appropriate action to assure that the continued operation of the health care service contractor will not be hazardous to its enrolled participants.

(2) A health care service contractor registered before the effective date of this act must maintain a net worth of:

(a) Twenty-five percent of the amount required by subsection (1) of this section by December 31, 1990;

(b) Fifty percent of the amount required by subsection (1) of this section by December 31, 1991;

(c) Seventy-five percent of the amount required by subsection (1) of this section by December 31, 1992; and

(d) One hundred percent of the amount required by subsection (1) of this section by December 31, 1993.

(3)(a) In determining net worth, no debt shall be considered fully subordinated unless the subordination is in a form acceptable to the commissioner. An interest obligation relating to the repayment of a subordinated debt must be similarly subordinated.

(b) The interest expenses relating to the repayment of a fully subordinated debt shall not be considered uncovered expenditures.

(c) A subordinated debt incurred by a note meeting the requirement of this section, and otherwise acceptable to the commissioner, shall not be considered a liability and shall be recorded as equity.

(4) Every health care service contractor shall, when determining liabilities, include an amount estimated in the aggregate to provide for any unearned premium and for the payment of all claims for health care expenditures which have been incurred, whether reported or unreported, which are unpaid and for which the organization is or may be liable, and to provide for the expense of adjustment or settlement of the claims.

Liabilities shall be computed in accordance with regulations adopted by the commissioner upon reasonable consideration of the ascertained experience and character of the health care service contractor.

(5) All income from reserves on deposit with the commissioner shall belong to the depositing health care service contractor and shall be paid to it as it becomes available.

(6) Any funded reserve required by this chapter shall be considered an asset of the health care service contractor in determining the organization's net worth.

(7) A health care service contractor that has made a securities deposit with the commissioner may, at its option, withdraw the securities deposit or any part thereof after first having deposited or provided in lieu thereof an approved surety bond, a deposit of cash or securities, or any combination of these or other deposits of equal amount and value to that withdrawn. Any securities and surety bond shall be subject to approval by the commissioner before being substituted.

Sec. 5. Section 2, chapter 268, Laws of 1947 as last amended by section 2, chapter 223, Laws of 1986 and RCW 48.44.020 are each amended to read as follows:

(1) Any health care service contractor may enter into (~~agreements~~) contracts with or for the benefit of persons or groups of persons which require prepayment for health care services by or for such persons in consideration of such health care service contractor providing one or more health care services to such persons and such activity shall not be subject to the laws relating to insurance if the health care services are rendered by the health care service contractor or by a (~~participant~~) participating provider.

(2) The commissioner may on examination, subject to the right of the health care service contractor to demand and receive a hearing under chapters 48.04 and 34.05 RCW, disapprove any contract form for any of the following grounds:

(a) If it contains or incorporates by reference any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the contract; or

(b) If it has any title, heading or other indication of its provisions which is misleading; or

(c) If purchase of health care services thereunder is being solicited by deceptive advertising; or

(d) If, the benefits provided therein are unreasonable in relation to the amount charged for the contract;

(e) If it contains unreasonable restrictions on the treatment of patients;

(f) If it violates any provision of this chapter;

(g) If it fails to conform to minimum provisions or standards required by regulation made by the commissioner pursuant to chapter 34.05 RCW;

(h) If any contract for health care services with any state agency, division, subdivision, board or commission or with any political subdivision, municipal corporation, or quasi-municipal corporation fails to comply with state law.

(3)(a) Every contract between a health care service contractor and a participating provider of health care services shall be in writing and shall state that in the event the health care service contractor fails to pay for health care services as provided in the contract, the enrolled participant shall not be liable to the provider for sums owed by the health care service contractor. Every such contract shall provide that this requirement shall survive termination of the contract.

(b) No participating provider, agent, trustee or assignee may maintain any action against an enrolled participant to collect sums owed by the health care service contractor.

Sec. 6. Section 1, chapter 168, Laws of 1982 as last amended by section 1, chapter 122, Laws of 1989 and RCW 48.44.026 are each amended to read as follows:

Checks in payment for claims pursuant to any health care service contract for health care services provided by persons licensed or regulated under chapters 18.22, 18.25, 18.29, 18.32, 18.53, 18.57, 18.64, 18.71, 18.73, 18.74, 18.83, or 18.88 RCW, where the provider is not a ((participant)) participating provider under a contract with the health care service contractor, shall be made out to both the provider and the ((insured)) enrolled participant with the provider as the first named payee, jointly, to require endorsement by each: PROVIDED, That payment shall be made in the single name of the ((insured)) enrolled participant if the ((insured)) enrolled participant as part of his or her claim furnishes evidence of prepayment to the health care service provider: AND PROVIDED FURTHER, That nothing in this section shall preclude a health care service contractor from voluntarily issuing payment in the single name of the provider.

Sec. 7. Section 3, chapter 268, Laws of 1947 as last amended by section 3, chapter 223, Laws of 1986 and RCW 48.44.030 are each amended to read as follows:

If any of the health care services which are promised in any such agreement are not to be performed by the health care service contractor, or by a ((participant)) participating provider, such activity shall not be subject to the laws relating to insurance, provided provision is made for reimbursement or indemnity of the persons who have previously paid, or on whose behalf prepayment has been made, for such services. Such reimbursement or indemnity shall either be underwritten by an insurance company authorized to write accident, health and disability insurance in the state or guaranteed by a surety company authorized to do business in this state, or guaranteed by a deposit of cash or securities eligible for investment by insurers pursuant to chapter 48.13 RCW, with the insurance commissioner, as hereinafter provided. If the reimbursement or indemnity is underwritten by an insurance company, the contract or policy of insurance may designate the health care service contractor as the named insured, but shall be for the benefit of the persons who have previously paid, or on whose behalf prepayment has been made, for such health care services. If the reimbursement or indemnity is guaranteed by a surety company, the surety bond shall designate the state of Washington as the named obligee, but shall be for the benefit of the persons who have previously paid, or on whose behalf prepayment has been made, for such health care services, and shall be in such amount as the insurance commissioner shall direct, but in no event in a sum greater than the amount of one hundred fifty thousand dollars or the amount necessary to cover incurred but unpaid reimbursement or indemnity benefits as reported in the last annual statement filed with the insurance commissioner, and adjusted to reflect known or anticipated increases or decreases during the ensuing year, plus an amount of unearned prepayments applicable to reimbursement or indemnity benefits satisfactory to the insurance commissioner, whichever amount is greater. A copy of such insurance policy or surety bond, as the case may be, and any modification thereof, shall be filed with the insurance commissioner. If the reimbursement or indemnity is guaranteed by a deposit of cash or securities, such deposit shall be in such amount as the insurance commissioner shall direct, but in no event in a sum greater than the amount of one hundred fifty thousand dollars or the amount necessary to cover incurred but unpaid reimbursement or indemnity benefits as reported in the last annual statement filed with the insurance commissioner, and adjusted to reflect known or anticipated increases or decreases during the ensuing year, plus an amount of unearned prepayments applicable to reimbursement or indemnity benefits satisfactory to the insurance commissioner, whichever amount is

greater. Such cash or security deposit shall be held in trust by the insurance commissioner and shall be for the benefit of the persons who have previously paid, or on whose behalf prepayment has been made, for such health care services.

NEW SECTION, Sec. 8. A new section is added to chapter 48.44 RCW to read as follows:

(1)(a) In the event of insolvency of a health services contractor or health maintenance organization and upon order of the commissioner, all other carriers then having active enrolled participants under a group plan with the affected agreement holder that participated in the enrollment process with the insolvent health services contractor or health maintenance organization at a group's last regular enrollment period shall offer the eligible enrolled participants of the insolvent health services contractor or health maintenance organization the opportunity to enroll in an existing group plan without medical underwriting during a thirty-day open enrollment period, commencing on the date of the insolvency. Eligible enrolled participants shall not be subject to preexisting condition limitations except to the extent that a waiting period for a preexisting condition has not been satisfied under the insolvent carrier's group plan. An open enrollment shall not be required where the agreement holder participates in a self-insured, self-funded, or other health plan exempt from commissioner rule, unless the plan administrator and agreement holder voluntarily agree to offer a simultaneous open enrollment and extend coverage under the same enrollment terms and conditions as are applicable to carriers under this title and rules adopted under this title. If an exempt plan was offered during the last regular open enrollment period, then the carrier may offer the agreement holder the same coverage as any self-insured plan or plans offered by the agreement holder without regard to coverage, benefit, or provider requirements mandated by this title for the duration of the current agreement period.

(b) For purposes of this subsection only, the term "carrier" means a health maintenance organization or a health care services contractor. In the event of insolvency of a carrier and if no other carrier has active enrolled participants under a group plan with the affected agreement holder, or if the commissioner determines that the other carriers lack sufficient health care delivery resources to assure that health services will be available or accessible to all of the group enrollees of the insolvent carrier, then the commissioner shall allocate equitably the insolvent carrier's group agreements for these groups among all carriers that operate within a portion of the insolvent carrier's area, taking into consideration the health care delivery resources of each carrier. Each carrier to which a group or groups are allocated shall offer the agreement holder, without medical underwriting, the carrier's existing coverage that is most similar to each group's coverage with the insolvent carrier at rates determined in accordance with the successor carrier's existing rating methodology. The eligible enrolled participants shall not be subject to preexisting condition limitations except to the extent that a waiting period for a preexisting condition has not been satisfied under the insolvent carrier's group plan. No offering by a carrier shall be required where the agreement holder participates in a self-insured, self-funded, or other health plan exempt from commissioner rule. The carrier may offer the agreement holder the same coverage as any self-insured plan or plans offered by the agreement holder without regard to coverage, benefit, or provider requirements mandated by this title for the duration of the current agreement period.

(2) The commissioner shall also allocate equitably the insolvent carrier's nongroup enrolled participants who are unable to obtain coverage among all carriers that operate within a portion of the insolvent carrier's service area, taking into consideration the health care delivery resources of the carrier. Each carrier to which nongroup enrolled participants are allocated shall offer the nongroup enrolled participants the carrier's existing comprehensive conversion plan, without additional medical underwriting, at rates determined in accordance with the successor carrier's existing rating methodology. The eligible enrolled participants shall not be subject to preexisting condition limitations except to the extent that a waiting period for a preexisting condition has not been satisfied under the insolvent carrier's plan.

(3) Any agreements covering participants allocated pursuant to subsections (1)(b) and (2) of this section to carriers pursuant to this section may be rerated after ninety days of coverage.

(4) A limited health care service contractor shall not be required to offer services other than its one limited health care service to any enrolled participant of an insolvent carrier.

Sec. 9. Section 4, chapter 197, Laws of 1961 as amended by section 2, chapter 87, Laws of 1965 and RCW 48.44.070 are each amended to read as follows:

(1) Forms of contracts between health care service contractors and ((participants)) participating providers shall be filed with the insurance commissioner prior to use.

(2) Any contract form not affirmatively disapproved within fifteen days of filing shall be deemed approved, except that the commissioner may extend the approval period an additional fifteen days upon giving notice before the expiration of the initial fifteen-day period. The commissioner may approve such a contract form for immediate use at any time. Approval may be subsequently withdrawn for cause.

(3) Subject to the right of the health care service contractor to demand and receive a hearing under chapters 48.04 and 34.05 RCW, the commissioner may disapprove such a contract form if it is in any respect in violation of this chapter or if it fails to conform to minimum provisions or standards required by the commissioner by rule under chapter 34.05 RCW.

Sec. 10. Section 5, chapter 197, Laws of 1961 as last amended by section 4, chapter 223, Laws of 1986 and RCW 48.44.080 are each amended to read as follows:

Every health care service contractor shall file with its annual statement with the insurance commissioner a master list of the ((participants)) participating providers with whom or with which such health care service contractor has executed contracts of participation, certifying that each such ((participant)) participating provider has executed such contract of participation. The health care service contractor shall on the first day of each month notify the insurance commissioner in writing in case of the termination of any such contract, and of any ((participant)) participating provider who has entered into a participating contract during the preceding month.

NEW SECTION, Sec. 11. A new section is added to chapter 48.44 RCW to read as follows:

Each health care service contractor shall have a plan for handling insolvency that allows for continuation of benefits for the duration of the contract period for which premiums have been paid and continuation of benefits to members who are confined on the date of insolvency in an inpatient facility until their discharge or expiration of benefits. The commissioner shall approve such a plan if it includes:

- (1) Insurance to cover the expenses to be paid for continued benefits after insolvency;
- (2) Provisions in provider contracts that obligate the provider to provide services for the duration of the period after the health care service contractor's insolvency for which premium payment has been made and until the enrolled participants are discharged from inpatient facilities;
- (3) Use of insolvency reserves established under RCW 48.44.030;
- (4) Acceptable letters of credit or approved surety bonds; or
- (5) Any other arrangements the commissioner and the organization mutually agree are appropriate to assure that the benefits are continued."

On motion of Senator von Reichbauer, the following title amendment was adopted:

On page 1, line 2 of the title, after "contractors;" strike the remainder of the title and insert "amending RCW 48.44.010, 48.44.020, 48.44.026, 48.44.070, 48.44.080, and 48.80.030; and adding new sections to chapter 48.44 RCW."

MOTION

On motion of Senator von Reichbauer, Substitute House Bill No. 3002, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 3002, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3002, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalif, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Absent: Senator Matson - 1.

SUBSTITUTE HOUSE BILL NO. 3002, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2122, by Committee on Appropriations (originally sponsored by Representative Hargrove)

Making changes regarding dependency proceedings.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 4, chapter 524, Laws of 1987 and RCW 13.34.060 are each amended to read as follows:

(1) A child taken into custody pursuant to RCW 13.34.050 or 26.44.050 shall be immediately placed in shelter care. A child taken by a relative of the child in violation of RCW 9A.40.060 or 9A.40.070 shall be placed in shelter care only when permitted under RCW 13.34.055. "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to that section. Whenever a child is taken into such custody pursuant to this section, the supervising agency may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary emergency care. In no case may a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained in a secure detention facility. No child may be held longer than seventy-two hours, excluding Saturdays, Sundays and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care. The child and his or her parent, guardian, or custodian shall be informed that they have a right to a shelter care hearing. The court shall hold a shelter care hearing ((if one is requested)) within seventy-two hours after the child is taken into custody, excluding Saturdays, Sundays, and holidays. If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, that such waiver is knowing and voluntary.

(2) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parents, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title as soon as possible and in no event longer than twenty-four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody. The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.

The written notice of custody and rights shall be in substantially the following form:

*NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody. You should call the court at...(insert appropriate phone number here)... for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: ...(explain local procedure)...

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: ...(insert name and telephone number)...

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

(3) If child protective services is not required to give notice under subsection (2) of this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

((3)) (4) Reasonable efforts to advise and to give notice, as required in subsections (2) and (3) of this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent,

guardian, or legal custodian does not appear at the shelter care hearing, the juvenile court counselor or caseworker shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian, and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

(5) At the commencement of the shelter care hearing the court shall advise the parties of their basic rights as provided in RCW 13.34.090 and shall appoint counsel pursuant to RCW 13.34.090 if counsel has not been retained by the parent or guardian and if the parent or guardian is indigent, unless the court finds that the right to counsel has been expressly and voluntarily waived in court.

((4)) (6) The court shall hear evidence regarding notice given to, and efforts to notify, the parent, guardian, or legal custodian and shall examine the need for shelter care. The court shall make an express finding as to whether the notice required under subsections (2) and (3) of this section was given to the parent, guardian, or legal custodian. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care. Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

((5)) (7) The juvenile court probation counselor shall submit a recommendation to the court as to the further need for shelter care, except that such recommendation shall be submitted by the department of social and health services in cases where the petition alleging dependency has been filed by the department of social and health services, unless otherwise ordered by the court.

((6)) (8) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(a) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(b)(i) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(ii) The release of such child would present a serious threat of substantial harm to such child; or

(iii) The parent, guardian, or custodian to whom the child could be released is alleged to have violated RCW 9A.40.060 or 9A.40.070.

If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. The court shall enter a finding as to whether subsections (2) and (3) of this section have been complied with. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090.

((7)) (9) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

((8)) (10) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be detained for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(11) Any parent, guardian, or legal custodian who for good cause is unable to attend the initial shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. The hearing shall be held within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

Sec. 2, Section 6, chapter 160, Laws of 1913 as last amended by section 2, chapter 194, Laws of 1988 and RCW 13.34.070 are each amended to read as follows:

(1) Upon the filing of the petition, the clerk of the court shall issue a summons, one directed to the child, if the child is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. If the child is developmentally disabled and not living at home, the notice shall be given to the child's custodian as well as to the child's parent. The developmentally disabled child shall not be required to appear unless requested by the court. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons. The fact-finding hearing on the petition shall be held no later than seventy-five days after the filing

of the petition, unless exceptional reasons for a continuance are found. The party requesting the continuance shall have the burden of proving by a preponderance of the evidence that exceptional circumstances do exist. To ensure that the hearing on the petition occurs within the seventy-five day time limit, the court shall schedule and hear the matter on an expedited basis.

(2) A copy of the petition shall be attached to each summons.

(3) The summons shall advise the parties of the right to counsel. The summons shall also inform the child's parent, guardian, or legal custodian of his or right to appointed counsel, if indigent, and of the procedure to use to secure appointed counsel.

(4) The judge may endorse upon the summons an order directing any parent, guardian, or custodian having the custody or control of the child to bring the child to the hearing.

(5) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the child needs to be taken into custody pursuant to RCW 13.34.050, the judge may endorse upon the summons an order that an officer serving the summons shall at once take the child into custody and take him to the place of shelter designated by the court.

(6) If the person summoned as provided in this section is subject to an order of the court pursuant to subsection (4) or (5) of this section, and if the person fails to abide by the order, he may be proceeded against as for contempt of court. The order endorsed upon the summons shall conspicuously display the following legend:

NOTICE:
VIOLATION OF THIS ORDER
IS SUBJECT TO PROCEEDING
FOR CONTEMPT OF COURT
PURSUANT TO RCW 13.34.070.

(7) If a party to be served with a summons can be found within the state, the summons shall be served upon the party personally (~~at least five~~) as soon as possible following the filing of the petition, but in no case later than fifteen court days before the fact-finding hearing, or such time as set by the court. If the party is within the state and cannot be personally served, but the party's address is known or can with reasonable diligence be ascertained, the summons may be served upon the party by mailing a copy thereof by certified mail (~~at least ten~~) as soon as possible following the filing of the petition, but in no case later than fifteen court days before the hearing, or such time as set by the court. If a party other than the child is without the state but can be found or the address is known, or can with reasonable diligence be ascertained, service of the summons may be made either by delivering a copy thereof to the party personally or by mailing a copy thereof to the party by certified mail at least ten court days before the fact-finding hearing, or such time as set by the court.

(8) Service of summons may be made under the direction of the court by any person eighteen years of age or older who is not a party to the proceedings or by any law enforcement officer, probation counselor, or department of social and health services social worker.

(9) In any proceeding brought under this chapter where the court knows or has reason to know that the child involved is a member of an Indian tribe, notice of the pendency of the proceeding shall also be sent by registered mail, return receipt requested, to the child's tribe. If the identity or location of the tribe cannot be determined, such notice shall be transmitted to the secretary of the interior of the United States.

Sec. 3. Section 7, chapter 160, Laws of 1913 as last amended by section 1, chapter 201, Laws of 1988 and RCW 13.34.080 are each amended to read as follows:

In a dependency case where it appears by the petition or verified statement, that the person standing in the position of natural or legal guardian of the person of any child, is a non-resident of this state, or that the name or place of residence or whereabouts of such person is unknown, as well as in all cases where, after due diligence, the officer has been unable to make service of the summons or notice provided for in RCW 13.34.070, and a copy of the notice has been deposited in the post office, postage prepaid, directed to such person at his last known place of residence, the court shall direct the clerk to publish notice in a legal newspaper printed in the county, qualified to publish summons, once a week for three consecutive weeks, with the first publication of the notice to be at least twenty-five days prior to the date fixed for the hearing. If the parent, guardian, or legal custodian is believed to be a resident of another state or a county other than the county in which the petition has been filed, notice also shall be published in the county in which the parent, guardian, or legal custodian is believed to reside. Additionally, publication may proceed simultaneously with efforts to provide personal service or service by mail for good cause shown, when there is reason to believe that personal service or service by mail will not be successful. Such notice shall be directed to the parent, parents, or other person claiming the right to the custody of the child, if their names are known, or if unknown, the phrase "To whom it may concern" shall be used and apply to, and be binding upon, any such persons whose names are unknown. The name of the court, the name of the child (or children if of one family), the date of the filing of the petition, the date of hearing, and the object of the proceeding in general terms shall be set forth, and the whole shall be subscribed by the clerk. There shall be filed with the clerk an affidavit showing due

publication of the notice, and the cost of publication shall be paid by the county at not to exceed the rate paid by the county for other legal notices. The publication of notice shall be deemed equivalent to personal service upon all persons, known or unknown, who have been designated as provided in this section.

Sec. 4. Section 37, chapter 291, Laws of 1977 ex. sess. as amended by section 42, chapter 155, Laws of 1979 and RCW 13.34.090 are each amended to read as follows:

(1) Any party has a right to be represented by an attorney in all proceedings under this chapter, to introduce evidence, to be heard in his or her own behalf, to examine witnesses, to receive a decision based solely on the evidence adduced at the hearing, and to an unbiased fact-finder.

(2) At all stages of a proceeding in which a child is alleged to be dependent pursuant to RCW 13.34.030(2), the child's parent ((or)), guardian, or legal custodian has the right to be represented by counsel, and if indigent, to have counsel appointed for him or her by the court. Unless waived in court, counsel shall be provided to the child's parent, guardian, or legal custodian, if such person (a) has appeared in the proceeding or requested the court to appoint counsel and (b) is financially unable to obtain counsel because of indigency as defined in chapter 10.101 RCW.

(3) If a party to an action under this chapter is represented by counsel, no order shall be provided to that party for his or her signature without prior notice and provision of the order to counsel.

(4) Copies of department of social and health services or supervising agency records to which parents have legal access pursuant to chapter 13.50 RCW shall be given to the child's parent, guardian, legal custodian, or his or her legal counsel, within twenty days after the department or supervising agency receives a written request for such records from the parent, guardian, legal custodian, or his or her legal counsel. These records shall be provided to the child's parents, guardian, legal custodian, or legal counsel prior to the shelter care hearing in order to allow an opportunity to review the records prior to the hearing. These records shall be legible and shall be provided at no expense to the parents, guardian, legal custodian, or his or her counsel.

Sec. 5. Section 17, chapter 17, Laws of 1989 1st ex. sess. and RCW 13.34.130 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, as now or hereafter amended, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030(2); after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a grandparent, brother, sister, stepbrother, stepster, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that:

(i) There is no parent or guardian available to care for such child;

(ii) The child is unwilling to reside in the custody of the child's parent, guardian, or legal custodian;

(iii) The parent, guardian, or legal custodian is not willing to take custody of the child;

(iv) A manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

(v) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with a specific plan as to where the child will be placed.

what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(a) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(b) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(c) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(d) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(3) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(4) The status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

Sec. 6. Section 15, chapter 160, Laws of 1913 as amended by section 43, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.150 are each amended to read as follows:

Any order made by the court in the case of a dependent child may ~~((at any time))~~ be changed, modified, or set aside, ~~((as to the judge may seem meet and proper))~~ only upon a showing of a change in circumstance.

Sec. 7. Section 46, chapter 291, Laws of 1977 ex. sess. as last amended by section 2, chapter 201, Laws of 1988 and RCW 13.34.180 are each amended to read as follows:

A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(7), and shall allege:

- (1) That the child has been found to be a dependent child under RCW 13.34.030(2); and
- (2) That the court has entered a dispositional order pursuant to RCW 13.34.130; and
- (3) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency under RCW 13.34.030(2); and
- (4) That the services ordered under RCW 13.34.130 have been offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided; and
- (5) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future; and
- (6) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home;
- (7) In lieu of the allegations in subsections (1) through (6) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.
2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: ...(explain local procedure)...
3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call ...(insert agency)... for more information about your child. The agency's name and telephone number are ...(insert name and telephone number)...

Sec. 8. Section 8, chapter 155, Laws of 1979 as amended by section 11, chapter 288, Laws of 1986 and RCW 13.50.010 are each amended to read as follows:

- (1) For purposes of this chapter:
 - (a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the department of social and health services and its contracting agencies, and persons or public or private agencies having children committed to their custody;
 - (b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;
 - (c) "Social file" means the juvenile court file containing the records and reports of the probation counselor;
 - (d) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case.
- (2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.
- (3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:
 - (a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court, upon proof presented, to be false or inaccurate shall be corrected or expunged from such records by the agency;
 - (b) An agency shall take reasonable steps to insure the security of its records and prevent tampering with them; and
 - (c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.
 - (4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment, or to individuals or agencies engaged in legitimate research for educational, scientific, or public purposes. The court may also permit inspection of, or release of information from, records which have been sealed pursuant to RCW 13.50.050(11). Access to records or information for research purposes shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) Juvenile detention facilities shall release records to the juvenile disposition standards commission under RCW 13.40.025 upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

Sec. 9. Section 10, chapter 155, Laws of 1979 as amended by section 20, chapter 191, Laws of 1983 and RCW 13.50.100 are each amended to read as follows:

(1) This section governs records not covered by RCW 13.50.050.

(2) Records covered by this section shall be confidential and shall be released only pursuant to this section and RCW 13.50.010.

(3) Records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility of supervising the juvenile. Records covered under this section and maintained by the juvenile courts which relate to the official actions of the agency may be entered in the state-wide juvenile court information system.

(4) A juvenile, his or her parents, the juvenile's attorney and the juvenile's parent's attorney, shall, upon request, be given access to all records and information collected or retained by a juvenile justice or care agency which pertain to the juvenile except:

(a) If it is determined by the agency that release of this information is likely to cause severe psychological or physical harm to the juvenile or his or her parents the agency may withhold the information subject to other order of the court: PROVIDED, That if the court determines that limited release of the information is appropriate, the court may specify terms and conditions for the release of the information: or

(b) If the information or record has been obtained by a juvenile justice or care agency in connection with the provision of counseling, psychological, psychiatric, or medical services to the juvenile, and the juvenile has a legal right to receive those services without the consent of any person or agency, then the information or record may not be disclosed to the juvenile's parents without the informed consent of the juvenile: or

(c) That the department of social and health services may delete the name and identifying information regarding persons or organizations who have reported suspected child abuse or neglect.

(5) A juvenile or his or her parent denied access to any records following an agency determination under subsection (4) of this section may file a motion in juvenile court requesting access to the records. The court shall grant the motion unless it finds access may not be permitted according to the standards found in subsections (4) (a) and (b) of this section.

(6) The person making a motion under subsection (5) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(7) Subject to the rules of discovery in civil cases, any party to a proceeding seeking a declaration of dependency or a termination of the parent-child relationship and any party's counsel and the guardian ad litem of any party, shall have access to the records of any natural or adoptive child of the parent, subject to the limitations in subsection (4) of this section.

(8) Information concerning a juvenile or a juvenile's family contained in records covered by this section may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

Sec. 10, Section 4, chapter 183, Laws of 1985 and RCW 26.44.115 are each amended to read as follows:

If a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050, the child protective services worker shall take reasonable steps to advise the parents immediately, regardless of the time of day, that the child has been taken into custody, the reasons why the child was taken into custody, and general information about the child's placement. ~~((Notice may be given by any means reasonably certain of notifying the parents, including but not limited to, written, telephonic, or in-person oral notification. If the initial notification is provided by a means other than writing, the information shall also be provided to the parent in writing as soon thereafter as possible))~~ The department shall comply with RCW 13.34.060 when providing notice under this section.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void."

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 2 of the title, after "rights," strike the remainder of the title and insert "amending RCW 13.34.060, 13.34.070, 13.34.080, 13.34.090, 13.34.130, 13.34.150, 13.34.180, 13.50.010, 13.50.100, and 26.44.115; and creating a new section."

MOTION

On motion of Senator Nelson, Second Substitute House Bill No. 2122, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Nelson, in the bill there is a requirement that services provided to the child or others must be specifically identified. Does this language require that any services not presently mandated by law be provided?"

Senator Nelson: "No, the intent of this language is simply to require identification of the services provided, so that the court can determine whether reasonable efforts have been made to prevent or eliminate the need for removal of the child from the home. The standards for providing services to the child and the family have not been changed by this bill."

Senator Talmadge: "If no services have been offered or provided at the time of the hearing, can the court still order the removal of the child from the home?"

Senator Nelson: "Yes, the child may be removed from the home when the providing or offering services would not eliminate the need for removal."

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 2122, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2122, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 49.

SECOND SUBSTITUTE HOUSE BILL NO. 2122, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2911, by Representatives Nutley and Todd

Exempting school districts and associated students of school districts from certain contract prohibitions.

The bill was read the second time.

MOTIONS

On motion of Senator Rinehart, the following amendments by Senators Rinehart and Bailey were considered simultaneously and were adopted:

On page 3, line 17, after "goods" insert "entered into before the effective date of this 1990 act or renewals of such contracts"

On page 3, line 26, after "goods" insert "This subsection applies only to board members holding office prior to the effective date of this 1990 act"

On motion of Senator Bailey, Engrossed House Bill No. 2911, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bauer, the reason for this bill is that the state auditor, on a regular audit, picked up a person on a school board that had a 25% interest in the Coca Cola plant and is serving on the school board and has a contract with the school board. Why is it so important for this person to remain on the school board?"

Senator Bauer: "Well, there are twelve or thirteen of these people around the state who are on these boards that the auditor found that they did have some contractual relationship, so it is felt that the Legislature should tighten the law up, so that it doesn't happen again and other people will not be able to get on the board. These people will stay on the board under these real tight conditions and so with that, those twelve or thirteen people can continue to serve until their time is up and no one else can--"

Senator Rasmussen: "Do they continue contracting with the school board while they are serving as school board directors?"

Senator Bauer: "They cannot vote on or take a position on or anyway influence anybody in terms of the contracts that might take place."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2911, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2911, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 10.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Owen, Patrick, Patterson, Saling, Sellar, Smith, Sutherland, Thorsness, Vogtild, von Reichbauer, Warnke, West, Williams - 39.

Voting nay: Senators Bender, Craswell, Murray, Niemi, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Wojahn - 10.

ENGROSSED HOUSE BILL NO. 2911, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1597, by Committee on State Government (originally sponsored by Representatives Patrick, Tate, Sayan, Bowman, Nelson, Todd, Brumsickle and Rust)

Establishing a geologists' review board.

The bill was read the second time.

MOTION

Senator McCaslin moved that the following Committee on Governmental Operation amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The legislature finds that it may be in the public interest to establish qualifications for geologists and for the practice of professional geological work.

NEW SECTION. Sec. 2. The department of licensing shall conduct an evaluation of the practice of professional geological work and make recommendations to the legislature as to what extent it is in the public interest to regulate the practice of geological work. In conducting the evaluation, the department shall consult and work with geologists, including professional geological organizations directly involved in the practice of geology within the state of Washington. The department's findings and recommendations shall be submitted to the legislature by December 1, 1990.

NEW SECTION. Sec. 3. In the event the department finds that regulation of geological work is in the public interest, the department shall prepare a legislative proposal to implement such recommendation. The proposal may include, but not be limited to, the following items:

(1) Definitions and criteria for qualification and practice as a professional geologist in Washington state;

(2) The composition of a professional geologist board, including provisions for terms of office, rotation of members, and method of appointment;

(3) Powers and responsibilities of the board;

(4) Maintenance of a roster of professional geologists; and

(5) A system of reciprocity with other states.

NEW SECTION. Sec. 4. This act shall expire June 30, 1991.*

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Governmental Operations striking amendment.

The motion by Senator McCaslin carried and the Committee on Governmental Operations striking amendment was adopted.

MOTIONS

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 1 of the title, after "geology;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

On motion of Senator McCaslin, Substitute House Bill No. 1597, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1597, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1597, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognlid, von Reichbauer, Warnke, West, Wojahn - 48.

Voting nay: Senator Williams - 1.

SUBSTITUTE HOUSE BILL NO. 1597, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the Chair.

SPECIAL ORDER OF BUSINESS

CHANGE OF TIME

On motion of Senator Nelson, the time for the special order of business for Engrossed Substitute House Bill No. 2929 was changed from 4:45 p.m. to 4:59 p.m. today.

SECOND READING

ENGROSSED HOUSE BILL NO. 2797, by Representatives R. Fisher, McLean, Horn, Anderson and Todd

Rearranging provisions relating to candidacy and changing provisions relating to ballot forms and voting equipment.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, Engrossed House Bill No. 2797 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2797.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2797 and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senators Bender, Johnson - 2.

ENGROSSED HOUSE BILL NO. 2797, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

There being no objection, the Senate resumed consideration of House Bill No. 2555 and the pending striking amendment by Senators Anderson, Bailey, Rinehart, Hansen, Madsen, McDonald and Rasmussen, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator West, the President finds that House Bill No. 2555 is a measure repealing the Washington Animal Remedies Act.

"The amendment proposed by Senators Anderson, Bailey, Rinehart, Hansen, Madsen, McDonald and Rasmussen amends the Washington Animal Remedies Act by allowing the Director of Agriculture to restrict certain livestock remedies which might be used in dairy products. The President believes that this is a very close question and is convinced that an adverse ruling would set an extremely confining precedent with regard to future scope and object rulings and their effect on legislation which attempts to repeal existing law.

"The President, therefore, finds that the amendment does not change the scope and object of the bill and that the point of order is not well taken."

The striking amendment by Senators Anderson, Bailey, Rinehart, Hansen, Madsen, McDonald and Rasmussen to House Bill No. 2555 was ruled in order.

MOTION

Senator West moved that the following amendment to the striking amendment be adopted:

On page 3, line 34, insert "However, this shall not apply to FDA approved remedies."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator West on page 3, line 34, to the striking amendment by Senators Anderson, Bailey, Rinehart, Hansen, Madsen, McDonald and Rasmussen to House Bill No. 2555.

The motion by Senator West failed and the amendment to the striking amendment was not adopted.

MOTION

Senator West moved that the following amendment to the striking amendment be adopted:

On page 3, after line 13, strike everything and insert the following:

"NEW SECTION, Sec. 3. A new section is added to chapter 15.32 RCW to read as follows:

The legislature finds it is in the public interest to ensure that consumers of cows milk receive full disclosure of all substances used in the production of cows milk and all substances contained in cows milk sold within the state of Washington.

NEW SECTION. Sec. 4. A new section is added to chapter 15.32 RCW to read as follows:

Every container of cows milk sold in retail stores in the state of Washington shall bear a label listing every substance used in the production of cows milk and every substance contained in cows milk, including the following substances: Isoplus, megalax, sodium bicarbonate, oxytetracycline, ampicillin, cephalosporins, erythromycin, penicillin, dihydro-streptomycin, electrolytes, dextrose-glucose, gonadotropin releasing hormone, oxytocin, prostagladins-lutelyse, ivermectin, levamasol, tramisol, sodium selenite, sulfa di-methoxine, carbon dioxide, aluminum arsenic, barium, boron, bromine, cadmium, cobalt, fluorine, lead, nickel, tin, zinc, vanadium, silver, mercury, iodine, copper, casein, lactalbumin, lactoglobulin, serum albumin, lactoferrin, lysozyme, immunoglobins, somatotropin, triacylglycerol, diacylglycerol, monoacylglycerol, free fatty acids, phospholipids, cholesterol, cholesterol esters, sodium potassium, calcium, magnesium, inorganic phosphate, phosphate esters, chloride, citrate, sulfate, carbonate, lactose, monosaccharides, sugar phosphates, nucleotide sugars, free neutral, oligosaccharides, prolactin, insulin, IGF-1, IGF-11, and progesterone.

NEW SECTION. Sec. 5. A new section is added to chapter 15.32 RCW to read as follows:

The director of the department of agriculture shall adopt such rules and regulations, in conformity with chapter 34.05 RCW, as are necessary to fulfill the requirements of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 15.32 RCW to read as follows:

Every person who fails to comply with sections 1 or 2 of this act or the rules adopted under them may be subjected to a civil penalty, as determined by the director, in an amount of not more than one thousand dollars. Each and every such violation shall be a separate and distinct offense. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated this act and may be subject to the civil penalty herein provided."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator West on page 3, line 13, to the striking amendment by Senators Anderson, Bailey, Rinehart, Hansen, Madsen, McDonald and Rasmussen to House Bill No. 2555.

The motion by Senator West failed and the amendment to the striking amendment was not adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Anderson, Bailey, Rinehart, Hansen, Madsen, McDonald and Rasmussen to House Bill No. 2555.

The striking amendment to House Bill No. 2555 was adopted.

MOTIONS

On motion of Senator Anderson, the following title amendment was adopted:

On page 1, line 1 of the title, after "act;" strike the remainder of the title and insert "amending RCW 15.52.010; adding new sections to chapter 15.52 RCW; repealing RCW 15.52.050, 15.52.060, 15.52.070, 15.52.080, 15.52.090, 15.52.100, 15.52.110, 15.52.120, 15.52.130, 15.52.140, 15.52.150, 15.52.160, 15.52.170, 15.52.180, 15.52.320, 15.52.330, 15.52.340, and 15.52.900; and providing an expiration date."

On motion of Senator Anderson, House Bill No. 2555, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2555, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2555, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; absent, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Sutherland, Talmadge, Thorness, Vogniild, von Reichbauer, Warnke, West - 43.

Voting nay: Senators Bluechel, Lee, Stratton, Williams, Wojahn - 5.

Absent: Senator Sellar - 1.

HOUSE BILL NO. 2555, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2463, by Committee on State Government (originally sponsored by Representatives Van Luven, Morris, Silver, Anderson, Hankins, Winsley, Bowman, Beck, Jones, May, Wolfe and Miller)

Restricting release of vehicle registration records.

The bill was read the second time.

MOTIONS

On motion of Senator Patterson, the following Committee on Transportation amendment was adopted:

On page 1, beginning on line 27, after "used" strike ", and that does not request the names or addresses of more than fifty vehicle owners"

On motion of Senator Patterson, Substitute House Bill No. 2463, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2463, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2463, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Absent: Senators Fleming, Vognild - 2.

SUBSTITUTE HOUSE BILL NO. 2463, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINT OF ORDER
SPECIAL ORDER OF BUSINESS

Senator Newhouse: "Mr. President, I rise to a point of order. We have now reached the time of 4:59 p.m. for the Special Order of Business on Engrossed Substitute House Bill No. 2929."

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2929, by Committee on Appropriations (originally sponsored by Representatives Cantwell, R. Fisher, Brough, Haugen, Belcher, Ferguson, Nutley, Phillips, Horn, Rust, Wood, Winsley, Nelson, Locke, Appelwick, Leonard, Wineberry, Scott, Bennett, Pruitt, Cole, Crane, Heavey, Spanel, Forner, Holland, O'Brien, Hine, Fraser, Todd and Wang)

Enacting comprehensive growth planning provisions.

The bill was read the second time.

MOTION

Senator McCaslin moved that the following Committee on Governmental Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. INTENT. The legislature finds that uncoordinated and unmanaged growth poses an immediate threat to the environment, to sustainable economic development, and to the high quality of life enjoyed by inhabitants of this state. It is in the interest of all the people of this state that citizens, communities, and local governments cooperate and coordinate with one another in comprehensive land use planning. Such cooperation and coordination state-wide will encourage predictability in the permitted uses of property and promote uniformity of land use planning.

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

(1) "City" means any city, town, or optional municipal code city.

(2) "Department" means the department of community development.

(3) "Development regulations" mean any city or county controls on any land use or development activities including, but not limited to, zoning ordinances, planned unit development ordinances, and subdivision ordinances.

(4) "Special purpose district" means a local unit of government, other than a city, county, or regional organization, authorized and regulated by statute to perform a single function or a limited number of functions, and includes, but is not limited to, water districts, irrigation districts, port districts, fire protection districts, school districts, community college districts, public hospital districts, sewer districts, public utility districts, public health districts, city and county health districts, cemetery districts, diking districts, metropolitan park districts, public transportation benefit areas, drainage districts, transportation districts, and metropolitan municipal corporations organized under chapter 35.58 RCW.

(5) "Urban growth" means that growth which makes intensive use of the land for the location of buildings, structures, and impermeable surfaces. When allowed to occur over wide areas, it typically requires urban governmental services.

NEW SECTION, Sec. 3. STATE-WIDE PLANNING GOALS CHECKLIST. No later than July 1, 1991, the department shall adopt a planning checklist that includes state-wide goals applicable to all city and county comprehensive land use plans. The state-wide planning goals checklist shall be consistent with the purposes of this chapter and shall implement the following growth planning goals:

(1) To provide for the conservation and wise use of natural resources, and to maintain a productive agricultural and forest land base by discouraging the conversion of agricultural and forest land to other uses;

(2) To preserve unique wildlife habitats;

(3) To prevent uses of rare or important natural ecosystems which are incompatible with the long-term sustainability of such lands;

(4) To protect environmentally sensitive areas, including wetlands, riparian zones, flood plains, and areas of geological hazard;

(5) To protect lands having significant historical, cultural, or geological value;

(6) To ensure that adequate and diversified recreational opportunities and publicly accessible open space are provided in all areas of the state, and particularly in areas of increasing urbanization;

(7) To encourage diversified transportation modes which decrease reliance upon the automobile, particularly in high density urban areas;

(8) To encourage and provide incentives for high quality development that permit growth in accordance with public need and the physical and environmental limitations of land;

(9) To encourage provision of urban governmental services in areas planned for urban growth, and to require that adequate services be provided as growth occurs;

(10) To assure adequate access to and provision of utility services, and to encourage responsible waste management;

(11) To assure that major developments such as educational and correctional institutions, health care facilities, transportation facilities, waste management and disposal facilities, and energy facilities are equitably and prudently located;

(12) To encourage greater regional planning, consistency of local plans with regional plans, and coordination of city and county comprehensive plans in areas with common growth management and urban governmental services concerns;

(13) To assure that citizens have a meaningful role in participating in local and regional land use planning decisions;

(14) To encourage future urban growth to occur in existing urban areas and adjacent areas designated for additional urban growth, and to discourage urban growth from occurring in areas providing long-term importance for agricultural or forest uses, or in areas that are environmentally sensitive;

(15) To incorporate shoreline master programs developed pursuant to the shoreline management act into city and county comprehensive land use plans; and

(16) To plan specifically for commercial and industrial development.

NEW SECTION, Sec. 4. TECHNICAL ASSISTANCE SERVICES. (1) The department shall establish a program of technical assistance to the counties and cities to facilitate the adoption and implementation of comprehensive plans and development regulations.

(2) The department shall develop a priority list for technical assistance for counties and cities. Priority for assistance shall be based on a county's or city's population growth rates, commercial and industrial development rates, the existence and quality of a comprehensive plan and development regulations, the need for technical assistance, and other relevant factors.

(3) The technical assistance program shall utilize department staff, the staff of other state agencies, and the technical resources of counties and cities to help in the development of comprehensive plans required under this chapter. The technical assistance may include, but not be limited to, model land use ordinances, regional education and training programs, and information for local and regional inventories.

(4) The department shall establish, in consultation with representatives selected by the associations for cities and counties, a state-wide data base which includes all lands, land uses, and facilities in each municipality.

NEW SECTION. Sec. 5. PROCEDURE FOR ADOPTING STATE-WIDE PLANNING GOALS CHECKLIST AND ESTABLISHING TECHNICAL ASSISTANCE PROGRAM. In developing the state-wide planning goals checklist under section 3 of this act and the program under section 4 of this act, the department shall seek public participation. The department shall also consult with city and county legislative bodies and executive officials, other state agencies having expertise or jurisdiction in land use management and planning issues, and private sector and nonprofit organizations having an interest in comprehensive planning. The state-wide planning goals checklist shall be adopted under the procedures of chapter 34.05 RCW.

NEW SECTION. Sec. 6. ROLE OF GROWTH STRATEGIES COMMISSION. The growth strategies commission created by executive order shall:

(1) Analyze different methods for assuring county and city compliance and consistency with the state-wide planning goals checklist under section 3 of this act and with other requirements of this chapter; and

(2) Recommend to the legislature and the governor by December 10, 1990, a specific structure or process that, among other things:

(a) Ensures county and city coordination and compliance with the state-wide planning goals checklist under section 3 of this act and with other requirements of this chapter;

(b) Promotes linkages between land use and transportation; and

(c) Provides counties and cities access to alternative sources of funds which shall be used to assist counties and cities to mitigate those impacts which occur due to permitted development.

NEW SECTION. Sec. 7. COMPREHENSIVE LAND USE PLANS. (1) No later than twelve months following final adoption of the state-wide planning goals checklist required under section 3 of this act, every city and county shall adopt or make revisions to its comprehensive land use plan to be consistent with such state-wide planning goals checklist, except as provided under subsection (4) of this section.

(2) Each city and county shall establish procedures providing for early and continuous public participation in the development of comprehensive land use plans and amendments, and in the adoption of development regulations to implement such plans. The procedures shall provide for dissemination of proposals and alternatives, opportunity for written comments, public meetings after timely and effective notice, provision for open discussion, and consideration of and response to public comments. Errors in exact compliance with the established procedures which do not have a material effect upon the ability of a person to participate shall not be the basis for invalidation of a plan provision, plan amendment, or development regulation.

(3) City comprehensive plans shall not be inconsistent with the county plan. Within a reasonable time, each county and city shall assure that their plans are not inconsistent with other counties or cities that are close or contiguous or that have related regional interests. To promote consistency, counties and cities that are close or contiguous shall prepare their comprehensive plans in consultation with each other.

(4) Upon adoption of a resolution by the legislative body of a city with a population of less than seven thousand five hundred that the burdens of adopting a comprehensive plan and development regulations outweigh the benefits to be derived from the process, the city shall be exempted from the provisions of this chapter. A copy of such resolution shall be filed with the department.

NEW SECTION. Sec. 8. COMPREHENSIVE PLAN REQUIREMENTS. (1) Each comprehensive plan shall include:

(a) A land use element;

(b) An economic development element;

(c) A conservation element;

(d) A neighborhood preservation element;

(e) A transportation element;

(f) A housing element;

(g) A public services element;

(h) A recreation and open space element;

(i) An agriculture element;

(j) A forest element;

(k) A utilities element;

(l) A public facilities element;

(m) An educational facilities element;

(n) A correctional facilities element;

(o) A public water element;

(p) A pollution element;

(q) A commercial and industrial element; and

(r) An element prescribing urban growth boundaries.

(2) Each element of a comprehensive plan shall include the following components:

(a) An inventory of all existing lands, land uses, or facilities relating to that element made available on a data base that is compatible with the data base developed by the department under section 4(5) of this act;

(b) An analysis of existing needs;

(c) An analysis of future needs based upon the land uses shown on a future land use map depicting the proposed future distribution of land uses, and population, housing, and employment goals consistent with this chapter;

(d) A statement of the goals and a list of objectives consistent with the land uses shown on the future land use map and consistent with this chapter.

(3) Each comprehensive plan shall be internally consistent so that all elements of the plan are consistent with the future land use map and with each other.

(4) Each comprehensive plan shall contain an element demonstrating that its employment and population goals and its elements are consistent with the goals and elements of plans of surrounding jurisdictions.

(5) A comprehensive plan may contain additional elements consistent with the elements required by this section, including an element addressing multijurisdictional issues.

NEW SECTION. Sec. 9. DEVELOPMENT REGULATIONS. Within twenty-four months after final adoption of the state-wide planning goals checklist each city and county shall enact or amend development regulations, including zoning and other land use regulations, that implement its comprehensive land use plan. The development regulations shall not be inconsistent with the jurisdiction's comprehensive plan. This section does not affect or limit development regulations of cities and counties existing or adopted prior to the regulations required by this section, but does require that the regulations be amended as necessary to be consistent with the comprehensive plan within the time provided under this section.

NEW SECTION. Sec. 10. STATE AGENCY PROPOSED LAND USES. (1) Except as provided in this section, all state agencies shall comply with city and county comprehensive plans and with the comprehensive plan implementation regulations of cities and counties.

(2) Where a comprehensive plan implementation regulation of a city or county does not permit outright a proposed land use by a state agency, the city or county shall provide a procedure by which the proposed use may be allowed following issuance of an extraordinary use permit.

(3) Each application for an extraordinary use permit shall be made to the legislative body of the county or city with jurisdiction. The legislative body shall conduct a hearing thereon within thirty days from the date the application is filed.

(4) A city or county may condition an extraordinary use permit to ensure consistency with its comprehensive plan and any applicable comprehensive plan implementation regulations.

(5) A city or county may deny an extraordinary use permit when it determines that the proposed use would cause unacceptably extreme impacts upon public health or safety or the environment that are not avoidable through economically feasible mitigation measures.

NEW SECTION. Sec. 11. ACTIVITIES OF STATE CONCERN. (1) The following are hereby designated activities of state concern:

(a) New airports with runways of five thousand feet or longer, additions to existing airport runways that extend the runway beyond five thousand feet, and additions of one thousand feet or longer to an existing airport runway of five thousand feet or longer;

(b) New port facilities designed to serve ships of twenty-five thousand deadweight tons or greater, and modifications to existing port facilities if the modifications provide the capacity to accommodate ships of fifty thousand deadweight tons or greater;

(c) Power transmission, gas, and oil lines creating new or expanding existing corridors which corridors or expansions are ten or more miles long, and power generation facilities requiring site certification from the energy facility site evaluation council or a permit from the federal power commission;

(d) Sewer trunk lines seventy-two inches in diameter or greater, and new sewage treatment facilities or expansion of existing sewage treatment facility capacity by fifteen percent or more in system design capacity above that necessary to serve the projected population of the service area at the time installation work is expected to be completed: PROVIDED, That sewage treatment facilities that exclusively serve four or fewer residential dwelling units are not activities of state concern;

(e) New municipal and industrial water supply systems with a capacity of five cubic feet per second or more, and additions to existing water supply systems that provide an increase of fifteen percent or more in system design capacity above that necessary to serve the projected population of the service area at the time installation work is expected to be completed;

(f) Solid waste disposal facilities with a design capacity of five hundred tons per day or greater;

(g) Correctional facilities administered by the department of corrections or department of social and health services; and

(h) Educational facilities, including facilities for higher education.

(2) A city or county shall hold at least one public hearing before making a decision whether or not to approve an activity of state concern.

(3) A city or county may condition approval of an activity of state concern to provide consistency with its comprehensive plan, and any applicable comprehensive plan implementation regulations.

(4) A city or county may deny an activity of state concern where it determines that the activity will cause unacceptably extreme adverse impacts upon public health or safety or the environment that cannot be avoided by economically feasible mitigation measures, and that these impacts outweigh the benefits of the proposed activity. Proposals for a use under subsection (1) (d) and (e) of this section shall be reviewed for consistency with the urban growth boundaries of an applicable comprehensive plan.

NEW SECTION. Sec. 12. COMPREHENSIVE PLANS—SPECIAL DISTRICTS MUST CONFORM.

(1) All special districts shall perform their activities which affect land use, including capital budget decisions, in conformity with the state-wide planning goals checklist and the comprehensive land use plan of the county or city having jurisdiction in the area where the activities occur.

(2) Within two years of the adoption of a comprehensive plan by a county or city pursuant to section 7 of this act, each special district located within such a county or city, that provides one or more of the public facilities or public services listed in this subsection, shall adopt or amend a capital facilities plan for its facilities that is consistent with the comprehensive plan and indicates the existing and projected capital facilities that are necessary to serve the projected growth for the area that is served by the special district. These public facilities or public services are: (a) Sanitary sewers; (b) potable water facilities; (c) park and recreation facilities; (d) fire suppression; (e) libraries; (f) schools; and (g) transportation, including mass transit and maritime shipping facilities.

NEW SECTION. Sec. 13. DISPUTE RESOLUTION. Whenever a dispute arises between cities and counties, or any combination thereof, concerning the consistency of a comprehensive plan of a city or county with the state-wide planning goals checklist, the consistency of development regulations of a city or county with the comprehensive plan, or the failure to adopt a comprehensive plan or bring a comprehensive plan into conformity within a reasonable time, a visiting judge shall preside over an administrative hearing to resolve the dispute. The visiting judge shall be selected using the procedures of RCW 2.08.150 and 2.08.170 from a county not involved in the dispute.

The judge shall have all the powers of a superior court judge presiding at a civil proceeding, including the authority to order a party to amend a comprehensive plan.

The costs of any proceeding under this section, and the expenses of the visiting judge under RCW 2.08.170, shall be shared equally by every city or county that is a party to the dispute.

NEW SECTION. Sec. 14. INTENT—TRANSPORTATION PLANNING. The legislature finds that while the transportation system in Washington is owned and operated by numerous public jurisdictions, it should function as one interconnected and coordinated system. Transportation planning, at all jurisdictional levels, should be coordinated with local comprehensive plans. Further, local jurisdictions and the state should cooperate to achieve both state-wide and local transportation goals. To facilitate this coordination and cooperation among state and local jurisdictions, the legislature declares it to be in the state's interest to establish a coordinated planning program for regional transportation systems and facilities throughout the state.

NEW SECTION. Sec. 15. REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS AUTHORIZED. The legislature hereby authorizes creation of regional transportation planning organizations within the state. Each regional transportation planning organization may be formed through the voluntary association of local governments within a county, or within geographically contiguous counties. Each organization shall:

(1) Encompass at least one complete county;

(2) Have a population of at least one hundred thousand, or contain a minimum of three counties; and

(3) Have as members all counties within the region, and at least sixty percent of the cities and towns within the region representing a minimum of seventy-five percent of the cities' and towns' population.

The state department of transportation must verify that each regional transportation planning organization conforms with the requirements of this section.

In urbanized areas, the regional transportation planning organization is the same as the metropolitan planning organization designated for federal transportation planning purposes.

NEW SECTION. Sec. 16. REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS—DUTIES. (1) Each regional transportation planning organization shall:

(a) Certify that the transportation elements of comprehensive plans adopted by counties, cities, and towns within the region conform with the requirements of section 8 of this act, and are consistent with regional transportation plans as provided for in (b) of this subsection;

(b) Develop and adopt a regional transportation plan that is consistent with county, city, and town comprehensive plans and state transportation plans. Regional transportation planning organizations are encouraged to use county, city, and town comprehensive plans that existed prior to the effective date of this section as the basis of its regional transportation plan whenever possible. Such plans shall address existing or planned transportation facilities and services that exhibit one or more of the following characteristics:

- (i) Physically crosses member county lines;
 - (ii) Is or will be used by a significant number of people who live or work outside the county in which the facility, service, or project is located;
 - (iii) Significant impacts are expected to be felt in more than one county;
 - (iv) Potentially adverse impacts of the facility, service, or project can be better avoided or mitigated through adherence to regional policies;
 - (v) Transportation needs addressed by a project have been identified by the regional transportation planning process and the remedy is deemed to have regional significance;
- (c) Designate a lead planning agency to coordinate preparation of the regional transportation plan. The lead planning agency may be a regional council, a county, city, or town agency, or a Washington state department of transportation district:
- (d) Review the regional transportation plan biennially for currency; and
 - (e) Forward the adopted plan, and documentation of the biennial review of it, to the state department of transportation.

(2) All transportation projects within the region that have an impact upon regional facilities or services must be consistent with the plan.

(3) In order to ensure state-wide consistency in the regional transportation planning process, the state department of transportation shall:

(a) In cooperation with regional transportation planning organizations, establish minimum standards for development of a regional transportation plan;

(b) Facilitate coordination between regional transportation planning organizations; and

(c) Through the regional transportation planning process, and through state planning efforts as required by RCW 47.01.071, identify and jointly plan improvements and strategies within those corridors important to moving people and goods on a regional or state-wide basis.

NEW SECTION. Sec. 17. TRANSPORTATION POLICY BOARDS. Each regional transportation planning organization shall create a transportation policy board. Transportation policy boards shall provide policy advice to the regional transportation planning organization and shall allow representatives of major employers within the region, the department of transportation, transit districts, ports, and member cities, towns, and counties within the region to participate in policy making.

Sec. 18. Section 20, chapter 49, Laws of 1983 1st ex. sess. as amended by section 8, chapter 167, Laws of 1988 and RCW 36.81.121 are each amended to read as follows:

TRANSPORTATION PLANS MUST CONFORM TO COMPREHENSIVE PLAN. (1) Before July 1st of each year, the legislative authority of each county with the advice and assistance of the county road engineer, and pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive road program for the ensuing six calendar years. If the county has adopted a comprehensive plan pursuant to chapter 35.63 or 36.70 RCW, or the inherent authority of a charter county derived from its charter, the program shall be consistent with this comprehensive plan.

The program shall include proposed road and bridge construction work, and for those counties operating ferries shall also include a separate section showing proposed capital expenditures for ferries, docks, and related facilities. Copies of the program shall be filed with the county road administration board and with the state secretary of transportation not more than thirty days after its adoption by the legislative authority. The purpose of this section is to assure that each county shall perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated road construction program. The program may at any time be revised by a majority of the legislative authority but only after a public hearing thereon.

(2) The six-year program of each county having an urban area within its boundaries shall contain a separate section setting forth the six-year program for arterial road construction based upon its long-range construction plan and formulated in accordance with regulations of the transportation improvement board. The six-year program for arterial road construction shall be submitted to the transportation improvement board forthwith after its annual revision and adoption by the legislative authority of each county. The six-year program for arterial road construction shall be based upon estimated revenues available for such construction together with such additional sums as the legislative authority of each county may request for urban arterials from the urban arterial trust account or the transportation improvement account for the six-year period. The arterial road construction program shall provide for a more rapid rate of completion of the long-range construction needs of principal arterial roads than for minor and collector arterial roads, pursuant to regulations of the transportation improvement board.

(3) Each six-year program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a county will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for bicycles, pedestrians, and equestrian purposes.

Sec. 19. Section 35.77.010, chapter 7, Laws of 1965 as last amended by section 6, chapter 167, Laws of 1988 and RCW 35.77.010 are each amended to read as follows:

TRANSPORTATION PLANS MUST CONFORM TO COMPREHENSIVE PLAN. (1) The legislative body of each city and town, pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive street program for the ensuing six calendar years (~~and shall file~~). If the city or town has adopted a comprehensive plan pursuant to chapter 35.63 or 35A.63 RCW, or the inherent authority of a first class city derived from its charter, the program shall be consistent with this comprehensive plan.

The program shall be filed with the secretary of transportation not more than thirty days after its adoption. Annually thereafter the legislative body of each city and town shall review the work accomplished under the program and determine current city street needs. Based on these findings each such legislative body shall prepare and after public hearings thereon adopt a revised and extended comprehensive street program before July 1st of each year, and each one-year extension and revision shall be filed with the secretary of transportation not more than thirty days after its adoption. The purpose of this section is to assure that each city and town shall perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated street construction program. The program may at any time be revised by a majority of the legislative body of a city or town, but only after a public hearing.

The six-year program of each city lying within an urban area shall contain a separate section setting forth the six-year program for arterial street construction based upon its long range construction plan and formulated in accordance with rules of the transportation improvement board. The six-year program for arterial street construction shall be submitted to the transportation improvement board forthwith after its annual revision and adoption by the legislative body of the city. The six-year program for arterial street construction shall be based upon estimated revenues available for such construction together with such additional sums as the legislative authority may request for urban arterials from the urban arterial trust account or the transportation improvement account for the six-year period. The arterial street construction program shall provide for a more rapid rate of completion of the long-range construction needs of principal arterial streets than for minor and collector arterial streets, pursuant to rules of the transportation improvement board; PROVIDED, That urban arterial trust funds made available to the group of incorporated cities lying outside the boundaries of federally approved urban areas within each region need not be divided between functional classes of arterials but shall be available for any designated arterial street.

(2) Each six-year program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a city or town will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for bicycle, pedestrian, and equestrian purposes.

Sec. 20. Section 1, chapter 396, Laws of 1989 and RCW 35.58.2795 are each amended to read as follows:

TRANSPORTATION PLANS MUST CONFORM TO COMPREHENSIVE PLAN. By April 1st of each year, the legislative authority of each municipality, as defined in RCW 35.58.272, shall prepare a six-year transit development and financial program for that calendar year and the ensuing five years. The program shall be consistent with the comprehensive plans adopted by counties, cities, and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, or the inherent authority of a first class city or charter county derived from its charter. The program shall contain information as to how the municipality intends to meet state and local long-range priorities for public transportation, capital improvements, significant operating changes planned for the system, and how the municipality intends to fund program needs. Each municipality shall file the six-year program with the state department of transportation, the transportation improvement board, and cities, counties, and regional planning councils within which the municipality is located.

In developing its program, the municipality shall consider those policy recommendations affecting public transportation contained in the state transportation policy plan approved by the state transportation commission and, where appropriate, adopted by the legislature. The municipality shall conduct one or more public hearings while developing its program and for each annual update.

NEW SECTION. Sec. 21. A new section is added to chapter 36.70 RCW to read as follows:

A county adopting a comprehensive plan pursuant to chapter 36.____ RCW (sections 1 through 13 of this act) shall be deemed to be in compliance with RCW 36.70.320 and 36.70.330.

NEW SECTION. Sec. 22. A new section is added to chapter 35.63 RCW to read as follows:

A city or town adopting a comprehensive plan pursuant to chapter 36.____ RCW (sections 1 through 13 of this act) shall be deemed to be in compliance with RCW 35.63.080 through 35.63.110.

NEW SECTION. Sec. 23. A new section is added to chapter 35A.63 RCW to read as follows:

A code city adopting a comprehensive plan pursuant to chapter 36.____ RCW (sections 1 through 13 of this act) shall be deemed to be in compliance with RCW 35A.63.060 through 35A.63.062.

NEW SECTION. Sec. 24. A new section is added to chapter 35.63 RCW to read as follows:

Each city and county that has a comprehensive plan, zoning ordinances, building codes, or other land use controls establishing areas within the city or town where only detached single family dwellings are allowed for residential purposes, shall permit the inclusion of separate living quarters in all detached single family residential dwellings located in such areas to be used by persons who are related by blood, adoption, or marriage to an owner and occupant of the single family dwelling for the purpose of extended family care. These separate living quarters shall be authorized by conditional use permits, subject to state and local building standards adopted under chapter 19.27 RCW.

NEW SECTION. Sec. 25. A new section is added to chapter 35A.63 RCW to read as follows:

Each city and code city that has a comprehensive plan, zoning ordinances, building codes, or other land use controls establishing areas within the city or code city where only detached single family dwellings are allowed for residential purposes, shall permit the inclusion of separate living quarters in all detached single family residential dwellings located in such areas to be used by persons who are related by blood, adoption, or marriage to an owner and occupant of the single family dwelling for the purpose of extended family care. These separate living quarters shall be authorized by conditional use permits, subject to state and local building standards adopted under chapter 19.27 RCW.

NEW SECTION. Sec. 26. A new section is added to chapter 36.70 RCW to read as follows:

Each county that has a comprehensive plan, zoning ordinances, building codes, or other land use controls establishing areas within the county where only detached single family dwellings are allowed for residential purposes, shall permit the inclusion of separate living quarters in all detached single family residential dwellings located in such areas to be used by persons who are related by blood, adoption, or marriage to an owner and occupant of the single family dwelling for the purpose of extended family care. These separate living quarters shall be authorized by conditional use permits, subject to state and local building standards adopted under chapter 19.27 RCW.

NEW SECTION. Sec. 27. APPROPRIATION--GENERAL FUND. Three million dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of community development, for the biennium ending June 30, 1991, solely for the purpose of implementing section 4 of this act.

NEW SECTION. Sec. 28. (1) Sections 1 through 13 of this act shall constitute a new chapter in Title 36 RCW.

(2) Sections 14 through 17 of this act shall constitute a new chapter in Title 47 RCW.

NEW SECTION. Sec. 29. Section headings as used in this act do not constitute any part of the law.

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

MOTION

At 5:02 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 5:45 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

February 28, 1990

Mr. President:

The House has passed SENATE BILL NO. 6562 with the following amendments:

On page 1, after line 24, insert the following:

Sec. 3. Section 1, chapter 126, Laws of 1913 as last amended by section 4, chapter 328, Laws of 1989 and RCW 2.32.180 are each amended to read as follows:

It shall be and is the duty of each and every superior court judge in counties or judicial districts in the state of Washington having a population of over thirty-five thousand inhabitants to appoint, or said judge may, in any county or judicial district having a population of over twenty-five thousand and less than thirty-five thousand, appoint a stenographic reporter to be attached to the court holden by him who shall have had at least three years' experience as a skilled, practical reporter, or who upon examination shall be able to report and transcribe accurately one hundred and seventy-five words per minute of the judge's charge or two hundred words per minute of testimony each for five consecutive minutes; said test of proficiency,

in event of inability to meet qualifications as to length of time of experience, to be given by an examining committee composed of one judge of the superior court and two official reporters of the superior court of the state of Washington, appointed by the president judge of the superior court judges association of the state of Washington: PROVIDED, That a stenographic reporter shall not be required to be appointed for the seven additional judges of the superior court authorized for appointment by section 1, chapter 323, Laws of 1987, the additional superior court judge authorized by section 1, chapter 66, Laws of 1988, or the additional superior court judges authorized by sections 2 and 3, chapter 328, Laws of 1989, or the additional superior court judges authorized by sections 1 and 2 of this 1990 act. The initial judicial appointee shall serve for a period of six years; the two initial reporter appointees shall serve for a period of four years and two years, respectively, from September 1, 1957; thereafter on expiration of the first terms of service, each newly appointed member of said examining committee to serve for a period of six years. In the event of death or inability of a member to serve, the president judge shall appoint a reporter or judge, as the case may be, to serve for the balance of the unexpired term of the member whose inability to serve caused such vacancy. The examining committee shall grant certificates to qualified applicants. Administrative and procedural rules and regulations shall be promulgated by said examining committee, subject to approval by the said president judge.

The stenographic reporter upon appointment shall thereupon become an officer of the court and shall be designated and known as the official reporter for the court or judicial district for which he is appointed: PROVIDED, That in no event shall there be appointed more official reporters in any one county or judicial district than there are superior court judges in such county or judicial district; the appointments in each class AA county shall be made by the majority vote of the judges in said county acting en banc; the appointments in class A counties and counties of the first class may be made by each individual judge therein or by the judges in said county acting en banc. Each official reporter so appointed shall hold office during the term of office of the judge or judges appointing him, but may be removed for incompetency, misconduct or neglect of duty, and before entering upon the discharge of his duties shall take an oath to perform faithfully the duties of his office, and file a bond in the sum of two thousand dollars for the faithful discharge of his duties. Such reporter in each court is hereby declared to be a necessary part of the judicial system of the state of Washington."

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

On page 1, line 1 of the title, after "2.08.062" strike "and 2.08.065" and insert ", 2.08.065, and 2.32.180".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate concurred in the House amendments to Senate Bill No. 6562.

MOTION

On motion of Senator Anderson, Senator Matson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6562, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6562, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patrick, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Excused: Senator Matson - 1.

SENATE BILL NO. 6562, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2929 and the pending striking Committee on Governmental Operations amendment, which was being considered when the Senate went at ease.

MOTION

Senator Bluechel moved that the following amendments by Senators Bluechel, McDonald, Bailey, Patrick and Nelson to the Committee on Governmental Operations striking amendment be considered simultaneously and be adopted:

On page 1, line 18 of the amendment, after "code city" insert "not located in the Puget Sound growth authority region as defined in section 30 of this act."

(2) "County" means any county not located in the Puget Sound growth authority region as defined in section 30 of this act"

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

On page 1, line 25 of the amendment, after "organization," insert "that is not located in the Puget Sound growth authority region as defined in section 30 of this act, and that is"

On page 18, beginning on line 11 of the amendment, strike all of sections 29 and 30 and insert the following:

NEW SECTION, Sec. 29. INTENT. The legislature finds that uncoordinated and unmanaged growth poses an immediate threat to the environment, to sustainable economic development, and to the high quality of life enjoyed by inhabitants of the region of this state that includes King, Pierce, and Snohomish counties, the "Puget Sound region." It is in the interest of all the people of this state, and in particular in the interest of the people of the Puget Sound region, that citizens, communities, and local governments cooperate and coordinate with one another in growth management and land use planning.

NEW SECTION, Sec. 30. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive plan" means to enact a new comprehensive plan or to update an existing comprehensive plan.

(2) "Agricultural land" means land primarily devoted to the commercial production of aquacultural, horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, or livestock, and that has, or might reasonably have, long-term commercial significance for agricultural production.

(3) "City" or "component city" means any city or town, including a code city, located in the Puget Sound growth authority region.

(4) "Comprehensive plan" or "plan" means the generalized coordinated land use policy statement of the governing body of a county or city located in the Puget Sound growth authority region.

(5) "Comprehensive plan implementation regulations" means any controls placed on development or land use activities by a county or city, including but not limited to, zoning ordinances, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances.

(6) "County" or "participating county" means any county located in the Puget Sound growth authority region.

(7) "Forestry land" means land primarily useful for growing trees, including Christmas trees, for commercial purposes, and that has, or reasonably could have, long-term commercial significance for growing trees commercially.

(8) "Ground water management areas" means ground water management areas as defined in RCW 90.44.400.

(9) "Geologically hazardous" means lands that because of their susceptibility to erosion, sliding, earthquake, or other characteristics are not suited to commercial, residential, or industrial development or the placement of utility or transportation corridors.

(10) "Land" means the land, air, and water in the Puget Sound growth authority region.

(11) "Open space land" means (a) any area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly, or (b) any land area, the preservation of which in its present use would (i) conserve and enhance natural or scenic resources, (ii) protect streams or water supply, (iii) promote conservation of soils, wetlands, beaches, or tidal marshes, (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries or other open space, (v) enhance recreation opportunities, (vi) preserve historic sites, or (vii) retain in its natural state tracts of land not less than five acres situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification.

(12) "Public facilities" includes streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(13) "Puget Sound regional growth authority" or "authority" means the entity established in section 31 of this act.

(14) "Puget Sound regional growth plan" means the regional land use policy statement and planning guidelines adopted by the Puget Sound regional growth authority pursuant to section 33 of this act.

(15) "Puget Sound growth authority region" or "region" means that area within King, Pierce, and Snohomish counties.

(16) "Puget Sound regional land use board of review" or "board of review" means the entity established in section 53 of this act.

(17) "Sensitive areas" includes the following sensitive and critical areas and ecosystems: (a) Wetlands; (b) areas that recharge aquifers used for potable water; (c) areas of significant fisheries and wildlife habitat; (d) flood plains; and (e) geologically hazardous areas.

(18) "Special district" means a unit of local government, other than a county or city, that is located in the Puget Sound growth authority region and that is authorized and regulated by statute to perform a single function or a limited number of functions, and includes, but is not limited to, cemetery districts, diking districts, drainage districts, water districts, sewer districts, port districts, public utility districts, school districts, community college districts, public hospital districts, irrigation districts, metropolitan park districts, metropolitan municipal corporations, fire protection districts, and public transit benefit areas within the Puget Sound growth authority region.

(19) "State agency" includes any state commission, state department, state agency, or any other entity of state government.

(20) "Urban growth" means growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" means land having urban growth located on it, or land located in relationship to an area with urban growth on it so as to be appropriate for urban growth.

(21) "Urban governmental services" includes those governmental services historically and typically delivered by cities, and includes storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with nonurban areas.

(22) "Wetland" or "wetlands" means lands defined as wetlands in chapter _____ (Engrossed Substitute Senate Bill No. 6799), Laws of 1990.

(23) "Zoning" means the division of a city or county into districts and the prescription and reasonable application of different regulations in each district.

NEW SECTION, Sec. 31. PUGET SOUND REGIONAL GROWTH AUTHORITY. (1) There is hereby established the Puget Sound regional growth authority.

(2) The Puget Sound regional growth authority shall be composed of the following persons, each of whom shall be a person entitled to vote for members of the authority in accordance with section 32(1) of this act: Six persons representing counties, no more than two of whom reside in the same county; four persons representing cities with populations of sixty thousand or more, no more than two of whom reside in the same city; six persons representing cities with populations of less than sixty thousand, no more than one of whom resides in the same city and at least one from each participating county; and three persons representing special districts who reside in different counties, who represent different categories of special districts, and one of whom represents the most populous metropolitan municipal corporation in the Puget Sound growth authority region.

(3) Members elected to the authority shall serve two-year terms.

(4) Members of the authority shall, by a majority vote, elect from amongst themselves a chairperson and a vice-chairperson. The chairperson shall preside over and call meetings of the authority. In the chairperson's absence, the vice-chairperson shall preside over meetings of the authority.

NEW SECTION, Sec. 32. PERSONS ENTITLED TO VOTE FOR MEMBERS OF THE PUGET SOUND REGIONAL GROWTH AUTHORITY. (1) The following persons shall be entitled to vote for members of the Puget Sound regional growth authority:

(a) The county executive of each participating county within the Puget Sound growth authority region;

(b) For each participating county, four persons appointed by the county who are members of the legislative body of such participating county;

(c) For each component city with a population of one hundred thousand or more, three persons appointed by the city who are members of the legislative body of such city;

(d) For each component city with a population of sixty thousand or more but less than one hundred thousand, two persons appointed by the city who are members of the legislative body of such city;

(e) For each component city with a population of fifteen thousand or more but less than sixty thousand, one person appointed by the city who is a member of the legislative body of such city;

(f) Five persons, no two of whom reside in the same city, who are members of legislative authorities of component cities with populations of six thousand or more but less than fifteen thousand to be selected by the mayors of such cities in the following manner: The mayors of all

such cities shall meet prior to July 1, 1990, and then prior to July 1st of each even-numbered year at a time and place fixed by the Puget Sound regional growth authority. The county executive of the most populous county within the Puget Sound growth authority region shall preside at the first meeting of such mayors, and the authority chairperson shall preside at each subsequent meeting. After nominations are made, successive ballots shall be taken until one candidate receives a majority of all votes cast:

(g) Five persons, no two of whom reside in the same city, who are members of legislative authorities of component cities with populations of two thousand or more but less than six thousand to be selected by the mayors of such cities in the following manner: The mayors of all such cities shall meet prior to July 1, 1990, and then prior to July 1st of each even-numbered year at a time and place fixed by the Puget Sound regional growth authority. The county executive of the most populous county shall preside at the first meeting of such mayors, and the authority chairperson shall preside at each subsequent meeting. After nominations are made, successive ballots shall be taken until one candidate receives a majority of all votes cast:

(h) Three persons, no two of whom reside in the same city, who are members of the legislative authorities of component cities with populations of less than two thousand to be selected by the mayors of such cities in the following manner: The mayors of all such cities shall meet prior to July 1, 1990, and then prior to July 1st of each even-numbered year at a time and place fixed by the Puget Sound regional growth authority. The county executive of the most populous county shall preside at the first meeting of such mayors, and the authority chairperson shall preside at each subsequent meeting. After nominations are made, successive ballots shall be taken until one candidate receives a majority of all votes cast:

(i) Ten persons, no more than three of whom reside in the same county, who are members of legislative bodies of special districts located within the Puget Sound growth authority region to be selected in the following manner: The chairpersons of the legislative authorities for all such special districts shall meet prior to July 1, 1990, and then prior to July 1st of each even-numbered year at a time and place fixed by the Puget Sound regional growth authority. The county executive of the most populous county shall preside at the first meeting of such chairpersons, and the authority chairperson shall preside at each subsequent meeting. After nominations are made, successive ballots shall be taken until one candidate receives a majority of all votes cast. At least two of the persons selected under this subsection must represent metropolitan municipal corporations and at least one person selected under this subsection must represent a school district.

(2) Persons entitled to vote for members of the authority shall have that right for four years from the date of initial appointment or until they are no longer members of the legislative authority of which they were a member at the time of initial appointment to the authority, whichever is earlier.

(3) The county executive of the most populous county shall preside over the first meeting of persons entitled to vote for members of the authority. The chairperson of the authority shall preside over all subsequent meetings.

(4) The first meeting of the persons entitled by subsection (1) of this section to vote for members of the Puget Sound regional growth authority shall take place after July 1, 1990, and before September 1, 1990, at the call of the county executive of the most populous county within the Puget Sound growth authority region. Subsequent meetings shall take place at least annually, at the call of the authority chairperson. At such meetings, any vacancies on the authority shall be filled and land use issues deemed by the authority to be of importance to the Puget Sound growth authority region may be discussed.

(5) Members of the authority shall be selected by and from the persons listed in subsection (1) of this section. After nominations for membership on the authority are made for each category of member listed in this section, successive ballots shall be taken until one candidate for each position receives a majority of votes cast.

NEW SECTION. Sec. 33. PUGET SOUND REGIONAL GROWTH PLAN—DECLARATION OF REGIONAL PLANNING GOALS. (1) No later than July 1, 1992, the Puget Sound regional growth authority, shall adopt a regional land use policy statement and planning guidelines applicable to the comprehensive plans of all counties and cities within the Puget Sound growth authority region. The policy statement and planning guidelines adopted pursuant to this section shall be known as the "Puget Sound regional growth plan."

(2) The Puget Sound regional growth authority shall develop and draft the Puget Sound regional growth plan. In developing the plan, the authority shall seek extensive public participation. The authority shall hold at least two public hearings in each participating county and shall present the plan at no less than three separate meetings of the persons listed in section 32(1) of this act.

(3) The Puget Sound regional growth plan, and any amendment thereto, shall be considered adopted upon its approval by an affirmative vote of at least twelve members of the authority.

(4) At a minimum, the Puget Sound regional growth plan shall address the following regional policy goals:

(a) To assure that citizens have a meaningful role in participating in local and regional land use planning decisions;

(b) To encourage greater regional planning, consistency of local plans with the regional growth plan, and coordination of county and city comprehensive plans in areas with common growth management and urban governmental service concerns;

(c) To encourage future urban growth to occur in existing urban areas and adjacent areas designated for additional urban growth, and to discourage urban growth from occurring in areas that have long-term importance for agricultural or forest uses, or in areas that are environmentally sensitive;

(d) To provide for the conservation, enhancement, and wise use of natural resources, and to maintain productive agricultural and forest land industries by discouraging the conversion of agricultural and forest land to other uses;

(e) To preserve unique wildlife habitats;

(f) To prevent uses of rare or important natural ecosystems that are incompatible with the long-term sustainability of such lands;

(g) To protect environmentally sensitive areas, including wetlands, riparian zones, flood plains, and areas of geological hazard;

(h) To protect lands having significant historical, cultural, or geological value;

(i) To ensure that adequate and diversified recreational opportunities and publicly accessible open space are provided throughout the region, and particularly in areas of increasing urbanization;

(j) To encourage diversified transportation modes that decrease reliance upon the automobile, particularly in high-density urban areas;

(k) To encourage and provide incentives for high-quality development that permit growth in accordance with public need and the physical and environmental limitations of land;

(l) To encourage provision of urban governmental services in areas planned for urban growth, and to require that adequate services be provided as growth occurs;

(m) To assure that major developments such as educational institutions, health care facilities, transportation facilities, waste management and disposal facilities, energy facilities, and correctional institutions are prudently and equitably located to serve the needs of the entire Puget Sound growth authority region; and

(n) To incorporate shoreline master plans developed pursuant to the shoreline management act into city and county comprehensive plans.

(5) If the Puget Sound regional growth authority has not adopted a Puget Sound regional growth plan by July 1, 1992, then beginning on July 1, 1992, no state agency shall extend financial assistance for the provision of urban governmental services to any county or city within the Puget Sound growth authority region until the authority has adopted a Puget Sound regional growth plan.

NEW SECTION. Sec. 34. PUGET SOUND REGIONAL GROWTH AUTHORITY DUTIES. The Puget Sound regional growth authority shall exercise the following duties in addition to any other duties imposed upon it by law or this chapter:

(1) Determine whether actions and programs of state agencies are compatible with the Puget Sound regional growth plan and with the comprehensive plans of counties and cities within the Puget Sound growth authority region;

(2) Provide for the periodic and objective evaluation of the performance of counties and cities in adopting and implementing comprehensive plans in accordance with the Puget Sound regional growth plan;

(3) Review and comment on all aspects of land use planning within the Puget Sound growth authority region;

(4) Accept, receive, disburse, and administer grants or other funds or gifts from any source, including private individuals or agencies, the federal government, and other public agencies for the purpose of carrying out the provisions of this chapter;

(5) Provide for the creation of a common data base that records the date, type, and location of land use decisions made by local governments to assist in the periodic evaluation of the effectiveness of the Puget Sound regional growth plan;

(6) Develop models for dispute resolution systems for use by state agencies, local governments, special districts, and citizens in regional land use matters. Such models shall emphasize the expeditious resolution of land use disputes;

(7) Ensure widespread citizen involvement and input in all phases of regional land use policy planning;

(8) Review all comprehensive plans and plan amendments prepared by counties and cities within the Puget Sound growth authority region to determine compliance with the Puget Sound regional growth plan; and

(9) Study and report to the legislature on the need for new legislation to carry out the purposes of this chapter.

NEW SECTION. Sec. 35. PUGET SOUND REGIONAL GROWTH AUTHORITY—GENERAL POWERS. The Puget Sound regional growth authority is a quasi-municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1, of the state Constitution, and

a "taxing district" within the meaning of Article VII, section 2, of the state Constitution. The Puget Sound regional growth authority shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes. In addition to the powers specifically granted by this chapter, the authority shall have all powers that are necessary to carry out the purposes of this chapter. The authority may sue and be sued in its corporate capacity in all courts and in all proceedings.

NEW SECTION. Sec. 36. PUGET SOUND REGIONAL GROWTH AUTHORITY DIRECTOR—DUTIES AND AUTHORITIES. (1) The authority shall appoint a Puget Sound regional growth authority director. The director shall hold office at the pleasure of the authority. The salary of the director shall be fixed and paid by the authority. The director shall be reimbursed for the actual and necessary expenses incurred in the performance of official duties.

(2) Subject to policies adopted by the authority, the director shall:

(a) Be the administrative head of the Puget Sound growth authority;

(b) Coordinate the activities of the authority in its regional land use policy planning with such functions of federal agencies, state agencies, counties, cities, and special districts;

(c) Appoint, reappoint, assign, and reassign all subordinate officers and employees of the authority, prescribe their duties, and fix their compensation; and

(d) Provide clerical and other necessary support services for the authority.

(3) On behalf of the authority the director may participate in and seek review of any land use decision involving the goals and policies encompassed in the Puget Sound regional growth plan. The director shall report to the authority on each case in which the authority participates and on positions taken by the director in each case.

(4) Prior to the end of each year, the director shall prepare a written report for submission by the authority to those persons listed in section 32(1) of this act describing activities and accomplishments of state agencies, counties, cities, and special districts in carrying out the policies and goals encompassed in the Puget Sound regional growth plan.

NEW SECTION. Sec. 37. COMPREHENSIVE PLANS MADE MANDATORY. (1) By no later than twenty-four months following the authority's adoption of the Puget Sound regional growth plan, each county and city within the Puget Sound growth authority region shall adopt a comprehensive plan or make revisions to its existing comprehensive plan to be consistent with the Puget Sound regional growth plan.

(2) Each city and county shall establish procedures providing for early and continuous public participation in the development of comprehensive plans and general ordinances implementing such plans or ordinances. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. Errors in exact compliance with the established procedures that do not have a material effect upon the ability of a person to participate shall not be the basis for invalidation of a plan provision, plan amendment, or comprehensive plan implementation regulation.

(3) Each county and city shall coordinate its comprehensive plan with other counties or cities that have, in part, common borders or related regional issues. This coordination, at a minimum, shall include the sharing of comprehensive plans among adjoining jurisdictions and sharing and making public comments regarding the coordination of these plans on issues that affect multiple jurisdictions. The public comments shall include the identification of areas of conflict and attempts made to resolve such conflicts.

NEW SECTION. Sec. 38. COMPREHENSIVE PLANS—DESIGNATIONS. (1) Each comprehensive plan within the Puget Sound growth authority region shall, to the extent applicable, include a designation of:

(a) Agricultural lands not already characterized by urban growth;

(b) Forest lands not already characterized by urban growth;

(c) Land not already characterized by urban growth that has, or might reasonably have, long-term importance for the extraction of mineral resources, which are designated as mineral resource lands;

(d) Open space lands; and

(e) Land not substantially developed lying between and serving as a natural barrier separating areas already characterized by urban growth, which are designated as natural boundary lands.

(2) Each comprehensive plan shall provide policies for the conservation of lands designated under subsection (1) of this section. Such policies shall be designed to restrict such future development of these lands as:

(a) Constitutes urban growth;

(b) Probably would lead to urban growth; or

(c) Would be incompatible with the use or continued importance of these lands for the production of agricultural products or timber, or for the extraction of mineral resources, or as open space or natural boundary lands.

(3) Each comprehensive plan shall include an inventory of sensitive areas that are located anywhere within the planning jurisdiction of the county or city and shall provide policies that

are designed to restrict future development incompatible with such sensitive areas from locating on or encroaching upon such sensitive areas.

(4) Nothing in this chapter shall be construed to affect or limit a county's authority to permit or prohibit development that does not involve the division of land, is under single, contiguous private or public ownership, and is used for park or recreational purposes. Such park and recreational development shall be permitted only if the county specifically identifies and limits such uses in its comprehensive plan and if the comprehensive plan contains a finding that such land is better suited and has more long-term importance for the particular park or recreational use than for the production of food, other agricultural products, or timber, or for the extraction of mineral resources.

NEW SECTION. Sec. 39. INTERIM DESIGNATIONS. (1) No later than January 1, 1991, each county and city within the Puget Sound growth authority region shall adopt interim designations of:

(a) Agricultural lands, forest lands, mineral resource lands, open space lands, and natural boundary lands within its jurisdiction, that it will probably designate as such under section 38 of this act. In making such interim designations, the county or city shall consider, at a minimum, the current and historical use of the land within its jurisdiction.

(b) Sensitive areas that it probably will designate as such under section 38 of this act.

(2) No later than July 1, 1991, each county and city within the Puget Sound growth authority region shall adopt interim development regulations precluding the designated agricultural lands, forest lands, mineral resource lands, open space lands, and natural boundary lands from having uses of development that:

(a) Constitute urban growth; or

(b) Probably would lead to urban growth; or

(c) Would be incompatible with the use of such lands as agricultural lands, forest lands, mineral resource lands, open space lands, or natural boundary lands.

(3) No later than July 1, 1991, each county and city within the Puget Sound growth authority region shall adopt interim development regulations precluding land uses or development that are incompatible with the designated sensitive areas.

(4) In the event a county or city fails to make the designations required by this section, then, upon proper application made therefor, the superior court shall grant such injunctive relief as shall be appropriate to accomplish the designations required by this section.

NEW SECTION. Sec. 40. COMPREHENSIVE PLANS—MANDATORY ELEMENTS. Each comprehensive plan within the Puget Sound growth authority region shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan, and shall include a plan, scheme, or design for each of the following, to the extent applicable:

(1)(a) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, public utilities, public facilities, educational facilities, correctional facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute Puget Sound or waters entering Puget Sound.

(b) The land use element shall include the following subelements:

(i) A housing subelement that includes (A) an inventory and analysis of existing and projected housing needs; (B) a statement of goals, policies, and objectives for the preservation, improvement, and development of housing; (C) an identification of adequate sites for housing, including, but not limited to, government-assisted housing, housing for low-income and moderate-income families, manufactured housing, multifamily housing, and group and foster care facilities; and (D) adequate provision for existing and projected needs of all economic segments of the community.

(ii) A public facilities subelement that is consistent with the public facilities elements of comprehensive plans of adjoining jurisdictions within the region and that includes: (A) A description of the general location and capacity of all existing and proposed public facilities, including publicly owned public utilities, but not including facilities included in the transportation element; (B) a forecast of the future needs for such public facilities; (C) an analysis of funding capabilities necessary to finance the maintenance of existing public facilities and to provide additional needed public facilities; (D) a plan to finance public facilities within the projected funding capacities; and (E) a requirement to reassess the land use element if probable funding falls short of meeting existing needs.

(2) A public utilities element that is consistent with the public utilities elements of comprehensive plans of adjoining jurisdictions within the region and that includes: (a) A description of the general location and capacity of all existing and proposed public utilities, other than those shown in the transportation or land use elements, including, but not limited to, electrical lines,

telephone lines, and natural gas lines; (b) a forecast of the future needs for such public utilities; (c) an analysis of funding capabilities necessary to finance the maintenance of existing public utilities and to provide additional needed public utilities; (d) a plan to finance public utilities within the projected funding capacities; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs.

(3) A transportation element that implements, and is consistent with, the land use element and the transportation elements of comprehensive plans in adjoining jurisdictions within the region.

(a) The transportation element shall include the following parts: (i) Circulation and transportation; (ii) transit; (iii) transportation financing; (iv) intergovernmental coordination; and (v) demand management strategies.

(b) The transportation element shall include the following subelements:

(i) An inventory of air, water, and land transportation facilities, including transit alignments, to define existing capital facilities and traffic levels as a basis for future planning;

(ii) Level-of-service standards for all arterial and transit routes to reflect the traveling expectations of local and regional residents, and to serve as a gauge to judge performance of the system;

(iii) Specific actions and requirements for bringing into compliance any facilities or services that are below an established level of service;

(iv) Forecasts of traffic for at least twenty years based on the comprehensive plan to provide information on the location, timing, and capacity needs of future growth;

(v) Identification of system expansion needs and transportation system management programs to meet current and future demands;

(vi) An analysis of funding capability to judge needs against probable funding resources; and

(vii) A requirement to reassess the land use element if probable funding falls short of meeting identified needs.

(c) The parts and subelements of the transportation element described in this subsection, and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems shall be consistent.

(4) A conservation element for the conservation, development, and utilization of natural resources, including water and its hydraulic force, forests, watersheds, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources.

(5) A recreation element showing a comprehensive system of areas and public sites for recreation, natural reservations, parks, parkways, beaches, playgrounds, and other recreational areas, including their locations and proposed development.

NEW SECTION. Sec. 41. URBAN GROWTH BOUNDARIES. (1) Each participating county shall prescribe urban growth boundaries as an element of its comprehensive plan. These boundaries shall be consistent with the Puget Sound regional growth plan. In prescribing urban growth boundaries, participating counties shall consider, at a minimum, the following criteria:

(a) Present and potential use of the land for nonurban uses such as agriculture and forest production;

(b) The location of any environmentally sensitive areas;

(c) Past and future population patterns and trends;

(d) Environmental capacity for future population;

(e) Present and potential urban governmental service capacity, and any existing plans for future service delivery;

(f) Past patterns and future projections of commercial and industrial development;

(g) Suitability to meet unmanaged growth needs of the urban growth configuration;

(h) Projected population density;

(i) Residential characteristics and community identities;

(j) Affordable housing needs and necessary land for affordable housing; and

(k) Plans and programs of public agencies.

(2) Each city that is located in the county shall be included within an urban growth boundary. The area within an urban growth boundary may include more than a single city, and may include unincorporated areas adjacent to the included city or cities.

(3) The county shall submit a copy of a resolution or resolutions of each city located within each urban growth boundary indicating the city's approval of the urban growth boundary.

(4) Following certification of the county comprehensive plan by the Puget Sound regional growth authority, no urban governmental services may be extended outside of an urban growth boundary unless approved by the county legislative authority or planning commission as consistent with the comprehensive plan provisions for future urban growth, or as necessary to protect the health and safety of an existing residential population.

(5) Proposed facilities or systems to provide urban governmental services outside an urban growth boundary having a capacity to serve needs projected beyond five years in the future shall not be approved by the county unless it first amends the urban growth boundary provisions of its comprehensive plans and obtains certification of the amendment from the Puget Sound regional growth authority.

(6) This section shall not apply to the provision of urban governmental services within the incorporated area of a city or town.

NEW SECTION, Sec. 42. CERTIFICATION. The Puget Sound regional growth authority shall review comprehensive plans adopted by counties and cities and special districts to determine conformity with the Puget Sound regional growth plan. The comprehensive plan shall be considered certified upon the approval by the affirmative vote of at least twelve members of the authority. The authority must either certify, grant provisional approval, or reject the comprehensive plan submitted within ninety days of the time of its submission. If the authority does not approve a comprehensive plan, then it shall clearly specify the reasons for such decision not to grant approval. A plan not acted upon by the authority within ninety days of its submission shall be deemed certified.

NEW SECTION, Sec. 43. PROVISIONAL APPROVAL. If the Puget Sound regional growth authority rejects a comprehensive plan as a result of inadequacies that, in the discretion of the authority, can be easily corrected, the authority may grant provisional approval of such plan. The terms of a provisional approval shall specify the plan's inadequacies and shall require the stated inadequacies be corrected by a prescribed date, in no event more than ninety days from the date of provisional approval. The authority shall grant final certification of the plan whenever it finds that stated inadequacies have been corrected. A provisional approval can be extended only one time and for no more than an additional ninety days. If the authority finds that the stated inadequacies have not been corrected by the prescribed date, the plan shall be deemed unapproved at the time of such finding.

NEW SECTION, Sec. 44. CERTIFICATION DEADLINE. Each city and county shall obtain certification of its comprehensive plan from the authority no later than thirty-six months following the authority's adoption of the Puget Sound regional growth plan.

NEW SECTION, Sec. 45. FAILURE TO SUBMIT PLAN OR RECEIVE CERTIFICATION. When any city or county required to submit a comprehensive plan pursuant to section 42 of this act fails to do so within the twenty-four month time period, or fails to obtain certification or provisional approval of its comprehensive plan within the thirty-six month time period pursuant to section 44 of this act, the Puget Sound regional growth authority may take one or both of the following actions:

(1) Develop and adopt a comprehensive plan and development regulations for the city or county. Such comprehensive plan shall be in effect only until such time as the city or county has adopted a comprehensive plan that is certified by the authority; or

(2) Issue an order declaring the county or city not to be in compliance with the Puget Sound regional growth plan. The order shall be delivered to the directors of the department of revenue and the office of financial management who shall then withhold funds in accordance with sections 79 through 83 of this act. All such funds shall be withheld pending final certification of the county's or city's comprehensive plan by the authority. Upon certification, the director, on behalf of the Puget Sound regional growth authority, shall issue an order declaring the county or city to be in compliance with the Puget Sound regional growth plan. The order shall be delivered to the directors of the department of revenue and the office of financial management who shall then release all funds withheld under this section.

NEW SECTION, Sec. 46. COMPREHENSIVE PLAN AMENDMENTS. (1) Except as provided in this section, amendments to a certified comprehensive plan shall be submitted to the authority prior to adoption. The authority shall review the amendment for consistency with the Puget Sound regional growth plan. Where the authority finds the amendment to be consistent, it shall promptly notify the county or city, and the amendment shall be conclusively deemed consistent. Unless the authority notifies the county or city within sixty days of receipt that it finds the proposed amendment to be inconsistent with the guidelines and rules, it shall be deemed consistent.

(2) Where the authority timely notifies the county or city that a proposed amendment is not consistent with the Puget Sound regional growth plan, and the county or city adopts the amendment, the authority or any person aggrieved by the decision may seek review thereof in the superior court for the county in which the decision was made.

(3) The authority shall adopt rules defining categories of minor plan amendments not requiring certification by the authority. The rules shall allow a county or city to submit an amendment otherwise exempt from these procedures for the purpose of obtaining the certification provided under subsection (1) of this section.

NEW SECTION, Sec. 47. COMPREHENSIVE PLANS—SPECIAL DISTRICTS MUST CONFORM. All special districts shall perform their activities that affect land use in conformity with the Puget Sound regional growth plan and the comprehensive plans applicable in the area where the activities occur.

NEW SECTION, Sec. 48. BOUNDARY REVIEW BOARD—LAND USE PLAN. A boundary review board created under chapter 36.93 RCW shall act consistently with any certified comprehensive land use plan applicable to the area under review by the boundary review board. The boundary review board shall not approve a boundary revision, annexation, or incorporation that would be inconsistent with the urban growth boundaries of a certified county comprehensive land use plan.

NEW SECTION, Sec. 49. ANNEXATION REVIEW BOARD—LAND USE PLAN. An annexation review board created under chapter 35.13 RCW shall act consistently with any certified comprehensive land use plan applicable to the area under review by the annexation review board. The annexation review board shall not approve a boundary revision, annexation, or incorporation that would be inconsistent with the urban growth boundaries of a certified county comprehensive land use plan.

NEW SECTION, Sec. 50. COMPREHENSIVE PLAN IMPLEMENTATION REGULATIONS. Within eighteen months of the certification of a comprehensive plan, the city or county that submitted the plan shall enact comprehensive plan implementation regulations that implement its comprehensive plan and shall file a copy of such regulations with the authority for its review and comments. The comprehensive plan implementation regulations shall not conflict with the county or city's certified comprehensive plan. Any comprehensive plan implementation regulation that conflicts with or fails to implement the county or city's approved comprehensive plan shall be of no force or effect.

NEW SECTION, Sec. 51. STATE AGENCY PROPOSED LAND USES. (1) Except as provided in this section, all state agencies shall comply with the Puget Sound regional growth plan, with certified comprehensive plans, and with the comprehensive plan implementation regulations of cities and counties.

(2) Where a comprehensive plan implementation regulation of a city or county does not permit outright a proposed land use by a state agency, the city or county shall provide a procedure by which the proposed use may be allowed following issuance of an extraordinary use permit.

(3) Each application for an extraordinary use permit shall be made to the legislative body of the county or city with jurisdiction. The legislative body shall conduct a hearing thereon within thirty days from the date the application is filed.

(4) A city or county may condition an extraordinary use permit to ensure consistency with the Puget Sound regional growth plan, its certified comprehensive plan, and any applicable comprehensive plan implementation regulations.

(5) A city or county may deny an extraordinary use permit when it determines that the proposed use would cause unacceptably extreme impacts upon public health or safety or the environment that are not avoidable through economically feasible mitigation measures.

NEW SECTION, Sec. 52. ACTIVITIES OF STATE CONCERN. (1) The following are hereby designated activities of state concern:

(a) New airports with runways of five thousand feet or longer, additions to existing airport runways that extend the runway beyond five thousand feet, and additions of one thousand feet or longer to an existing airport runway of five thousand feet or longer;

(b) New port facilities designed to serve ships of twenty-five thousand deadweight tons or greater, and modifications to existing port facilities if the modifications provide the capacity to accommodate ships of fifty thousand deadweight tons or greater;

(c) Power transmission, gas, and oil lines creating new or expanding existing corridors or expansions are ten or more miles long, and power generation facilities requiring site certification from the energy facility site evaluation council or a permit from the federal power commission;

(d) Sewer trunk lines seventy-two inches in diameter or greater, and new sewage treatment facilities or expansion of existing sewage treatment facility capacity by fifteen percent or more in system design capacity above that necessary to serve the projected population of the service area at the time installation work is expected to be completed: PROVIDED, That sewage treatment facilities that exclusively serve four or fewer residential dwelling units are not activities of state concern;

(e) New municipal and industrial water supply systems with a capacity of five cubic feet per second or more, and additions to existing water supply systems that provide an increase of fifteen percent or more in system design capacity above that necessary to serve the projected population of the service area at the time installation work is expected to be completed;

(f) Solid waste disposal facilities with a design capacity of five hundred tons per day or greater; and

(g) Correctional facilities administered by the department of corrections or department of social and health services.

(2) A city or county shall hold at least one public hearing before making a decision whether or not to approve an activity of state concern.

(3) A city or county may condition approval of an activity of state concern to provide consistency with the Puget Sound regional growth plan, its comprehensive plan, and any applicable comprehensive plan implementation regulations.

(4) A city or county may deny an activity of state concern where it determines that the activity will cause unacceptably extreme adverse impacts upon public health or safety or the environment that cannot be avoided by economically feasible mitigation measures, and that these impacts outweigh the benefits of the proposed activity. Proposals for a use under subsection (1) (d) and (e) of this section shall be reviewed for consistency with the urban growth boundaries of an applicable comprehensive plan.

NEW SECTION. Sec. 53. PUGET SOUND REGIONAL LAND USE BOARD OF REVIEW—APPOINTMENT AND REMOVAL OF MEMBERS—QUALIFICATIONS. (1) There is hereby created a Puget Sound regional land use board of review.

(2) The Puget Sound regional land use board of review shall be composed of three members appointed by the governor. For each vacant position on the board of review, the authority shall submit a list of five nominees, in order of preference, to the governor. The governor shall make the appointment from the list of nominees submitted by the authority. Members of the board of review shall be residents of the Puget Sound growth authority region and shall serve for a term of four years. The salaries of the members shall be fixed and paid by the authority, and shall not be reduced during the period of service of the member. The Puget Sound regional land use board of review shall appoint from among its members one member to serve as the chief hearings officer. The tenure of that position shall be two years.

(3) The authority may at any time remove any member of the Puget Sound regional land use board of review for incompetence, neglect of duty, malfeasance or misfeasance in office, or unfitness to render effective service. Before such removal the authority shall give the member a copy of the charges against the member and shall fix the time when the member can be heard in defense against the charges, which shall not be less than ten days thereafter. The hearing shall be open to the public and shall be conducted in the same manner as an adjudicative proceeding under chapter 34.05 RCW. The decision of the authority to remove a member of the Puget Sound regional land use board of review shall be subject to judicial review in the same manner as provided for review of adjudicative proceedings under chapter 34.05 RCW.

NEW SECTION. Sec. 54. JURISDICTION OF THE BOARD OF REVIEW—LIMITATIONS—EFFECT ON SUPERIOR COURT JURISDICTION. (1) Except as provided in subsections (2) and (3) of this section, the Puget Sound regional land use board of review shall have exclusive jurisdiction to review claims of noncompliance with the Puget Sound regional growth plan and inter-governmental land use disputes within the Puget Sound growth authority region.

(2) The jurisdiction of the Puget Sound regional land use board of review:

(a) Is limited to those cases in which the petitioner is the Puget Sound regional growth authority, the state, or a county, city, or special district within the Puget Sound regional growth region and has exhausted all remedies available by right before petitioning the board of review for review;

(b) Excludes those land use decisions of a state agency over which the court of appeals has jurisdiction for initial judicial review under chapter 34.05 RCW or other statutory provisions; and

(c) Excludes shorelines decisions over which the shorelines hearings board has jurisdiction.

(3) The provisions of subsection (2)(a) of this section do not affect the authority of the Puget Sound regional land use board of review to decide issues not raised in the local government proceedings.

(4) Notwithstanding subsection (1) of this section, the superior courts of this state retain jurisdiction:

(a) To grant declaratory, injunctive, or mandatory relief in proceedings brought to enforce provisions of a locally adopted comprehensive plan or land use regulation; and

(b) To enforce orders of the Puget Sound regional land use board of review in appropriate proceedings brought by the Puget Sound regional land use board of review or by a party to the board of review proceeding resulting in the order.

NEW SECTION. Sec. 55. PARTIES—DUTY TO CONDUCT REVIEW PROCEEDINGS—RULES—AUTHORITY TO ISSUE ORDERS. (1) The Puget Sound regional land use board of review shall adopt rules governing the conduct of its review proceedings. The rules shall provide for a simplified and economical procedure for obtaining a prompt and equitable resolution of the noncompliance complaint. Such rules shall:

(a) Provide for discovery, subpoena, witnesses, rules of evidence, and absence of parties;

(b) Provide a format for review requests. Copies of the request for review shall be served upon all interested parties. A request for review may be filed at any time; and

(c) Require the board of review to hold at least one hearing on the review request within sixty days of the filing of the request. Within ten days of the termination of the last hearing before the board of review, the board of review shall issue its final order which shall include findings of fact, conclusions of law, and required action, if any.

(2) The board of review shall provide for the publication of its orders that are of general public interest in the form it deems best adapted for public convenience. The publications shall constitute the official reports of the board of review.

(3) Any attorneys' fees and costs related to a review by the Puget Sound regional land use board of review shall be borne by the respective parties.

NEW SECTION. Sec. 56. REVIEW—FINAL ORDERS. (1) The Puget Sound regional land use board of review shall review the claim of noncompliance and prepare a final order directing what, if any, corrective action is necessary by the county, city or legal entity to bring it into compliance with the Puget Sound regional growth plan.

(2) No decision of the Puget Sound regional land use board of review shall be a basis for any legal action by any entity other than the Puget Sound regional growth authority or any county, city, or special district within the Puget Sound growth authority region.

(3) Any final order issued by the Puget Sound regional land use board of review shall be clear and specific.

NEW SECTION. Sec. 57. ENFORCEMENT. (1) When the Puget Sound regional land use board of review issues an order to a county, city, or legal entity to take corrective action so that it is in compliance with the Puget Sound regional growth plan, the county, city, or legal entity shall have thirty days in which to comply.

(2) No later than thirty days following issuance of the order, the party directed to take corrective action shall report to the Puget Sound regional land use board of review the steps taken to comply with said order.

(3) The Puget Sound regional land use board of review shall, within ten days of receipt of the above report, review the action taken and:

(a) If it is satisfied that the action brings the city, county, or legal entity into compliance with the Puget Sound regional growth plan, issue an order so stating; or

(b) If it is satisfied that the city, county, or legal entity is still not in compliance with the Puget Sound regional growth plan it shall immediately issue an order so stating and inform the directors of the department of revenue and the office of financial management, which directors shall then withhold funds in accordance with section 45 of this act.

(4) When funds have been withheld in accordance with subsection (3)(b) of this section, the affected city, county, or legal entity may petition the Puget Sound regional land use board of review anytime thereafter to show that it has complied with the Puget Sound regional land use board of review's earlier issued order and is now in compliance with the Puget Sound regional growth plan. When the Puget Sound regional land use board of review is satisfied that the county, city, or special district is in compliance with the Puget Sound regional growth plan it shall issue an order and inform the directors of the department of revenue and the office of financial management. The directors shall then release all funds withheld pursuant to this section.

NEW SECTION. Sec. 58. JUDICIAL REVIEW. (1) Any party to a proceeding before the Puget Sound regional land use board of review may seek judicial review of a final order issued in those proceedings. Judicial review of orders of the board of review shall be solely as provided in this section.

(2) Jurisdiction for judicial review of orders of the Puget Sound regional land use board of review is conferred upon the superior court. Proceedings for review shall be instituted by filing a notice of appeal in the superior court. Notice of appeals may only be filed after the Puget Sound regional land use board of review has informed the directors of the department of revenue and the office of financial management of noncompliance under section 57(3)(b) of this act.

(3) The notice of appeal shall state the nature of the order the petitioner desires to appeal. Copies of the notice shall be served by registered or certified mail upon the Puget Sound regional land use board of review and all other parties of record in the board of review proceeding.

(4) Within thirty days after service of the notice, the Puget Sound regional land use board of review shall transmit to the court the original or a certified copy of the entire record of the proceeding under appeal, but, by stipulation of all parties to the review proceeding, the record may be summarized. Any party unreasonably refusing to summarize the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record when deemed desirable. Except as specifically provided in this subsection, the cost of the record shall not be taxed to the petitioner or any intervening party. However, the court may tax such costs and the cost of transcription of record to a party filing a frivolous petition for review.

(5) Petitions, briefs, motions, and other papers shall be filed within the time periods established by the rules of procedure.

(6) Review of an order of the Puget Sound regional land use board of review shall be confined to the record before the board of review. The court shall not substitute its judgment for that of the board of review as to any issue of fact.

(7) The court may affirm, reverse, or remand the order. The court shall reverse or remand the order only if it finds:

(a) The order to be unlawful in substance or procedure;

(b) The order to be unconstitutional; or

(c) The order is not supported by substantial evidence in the whole record as to facts found by the board of review.

(8) If the order of the Puget Sound regional land use board of review is remanded by the court, the board of review shall respond to the court's mandate within thirty days.

(9) Attorneys' fees and costs may be awarded by the court.

NEW SECTION. Sec. 59. Whenever a dispute arises between a city or county and a state agency concerning a state agency's compliance or consistency with the Puget Sound regional

growth plan, certified comprehensive plans, or comprehensive plan implementation regulations of a city or county, a city or county may bring an action against the state agency before a visiting judge who shall preside over an administrative hearing to resolve the dispute. The visiting judge shall be selected using the procedures of RCW 2.08.150 and 2.08.170 from a county not involved in the dispute.

The judge shall have all the powers of a superior court judge presiding at a civil proceeding, including the authority to order the state agency to be consistent with or comply with the Puget Sound regional growth plan, certified comprehensive plans, or comprehensive plan implementation regulations.

NEW SECTION, Sec. 60. SHORELINE MANAGEMENT ACT. This act shall not affect the planning and regulating of uses of lands subject to the shoreline management act, chapter 90.58 RCW.

NEW SECTION, Sec. 61. A new section is added to Title 28A RCW to read as follows:
SCHOOL DISTRICT ENROLLMENT ASSESSMENTS. Each school district within the Puget Sound growth authority region shall by December 31st of each year, provide the Puget Sound regional growth authority and the superintendent of public instruction with an assessment of current and projected student enrollment and facilities and infrastructure needs. In assessing current and future needs, school districts shall survey and study: (1) Student population projections by total attendance zones, (2) proposed facility needs analyses, (3) infrastructure, and (4) energy and utility needs assessments for existing and proposed facilities. Future needs shall be forecast on a ten-year basis.

NEW SECTION, Sec. 62. A new section is added to chapter 36.70 RCW to read as follows:
COMPREHENSIVE PLANS—COMPLIANCE. A county adopting a comprehensive plan pursuant to chapter 64.____ RCW (sections 29 through 60 of this act) shall be deemed to be in compliance with RCW 36.70.320 and 36.70.330.

NEW SECTION, Sec. 63. A new section is added to chapter 35.63 RCW to read as follows:
COMPREHENSIVE PLANS—COMPLIANCE. A city or town adopting a comprehensive plan pursuant to chapter 64.____ RCW (sections 29 through 60 of this act) shall be deemed to be in compliance with RCW 35.63.080 through 35.63.110.

NEW SECTION, Sec. 64. A new section is added to chapter 35A.63 RCW to read as follows:
COMPREHENSIVE PLANS—COMPLIANCE. A code city adopting a comprehensive plan pursuant to chapter 64.____ RCW (sections 29 through 60 of this act) shall be deemed to be in compliance with RCW 35A.63.060 through 35A.63.062.

NEW SECTION, Sec. 65. EXCISE TAX ON REAL PROPERTY SALES. (1) The Puget Sound regional growth authority may impose an excise tax on each sale of real property within the boundaries of the Puget Sound growth authority region at a rate not exceeding one percent of the selling price. The authority may impose the excise tax authorized under this section only if it also imposes the development fee authorized under section 72 of this act. This tax is in addition to any other tax imposed by law.

(2) Taxes imposed under this section shall be collected from persons who are taxable by the state under chapter 82.45 RCW upon the occurrence of any taxable event within the boundaries of the Puget Sound growth authority region.

(3) Taxes imposed under this section shall comply with all applicable rules, regulations, laws, and court decisions regarding real estate excise taxes as imposed by the state under chapter 82.45 RCW.

(4) As used in this chapter:

(a) "Authority" means the Puget Sound regional growth authority established in section 31 of this act.

(b) "Board of review" means the Puget Sound regional land use board of review established in section 53 of this act.

(c) "Puget Sound growth authority region" means that area within the counties of Pierce, King, and Snohomish.

(d) "Puget Sound regional growth plan" means the regional land use policy statement and planning guidelines adopted by the Puget Sound regional growth authority pursuant to section 33 of this act.

NEW SECTION, Sec. 66. EXCISE TAX—LIEN. Any tax imposed under section 65 of this act and any interest or penalties thereon is a specific lien upon each piece of real property sold from the time of sale until the tax is paid, which lien may be enforced in the manner prescribed for the foreclosure of mortgages.

NEW SECTION, Sec. 67. TAX—OBLIGATION OF SELLER. The taxes levied under section 65 of this act are the obligation of the seller and may be enforced through an action of debt against the seller or in the manner prescribed for the foreclosure of mortgages. Resort to one course of enforcement is not an election not to pursue the other.

NEW SECTION, Sec. 68. COLLECTION OF TAX. Any taxes imposed under section 65 of this act shall be paid to and collected by the treasurer of the county within which is located the real property which was sold. The treasurer shall act as agent for the authority. The county treasurer shall cause a stamp evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to its recording or to the real estate excise tax affidavit in the case

of used mobile home sales. A receipt issued by the county treasurer for the payment of the tax imposed under section 65 of this act shall be evidence of the satisfaction of the lien imposed in section 66 of this act and may be recorded in the manner prescribed for recording satisfactions of mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax may be accepted by the county auditor for filing or recording until the tax is paid and the stamp affixed thereto; in case the tax is not due on the transfer, the instrument shall not be accepted until suitable notation of this fact is made on the instrument by the treasurer.

NEW SECTION, Sec. 69. EXCISE TAX PROCEEDS. The county treasurer shall place one-tenth of one percent of the proceeds of the tax imposed under section 65 of this act in the county current expense fund to defray costs of collection and distribution.

(2) The remaining proceeds from the tax imposed under section 65 of this act shall be distributed to the authority monthly.

(3) This section does not limit the existing authority of any city, town, or county to impose special assessments on property specially benefited thereby in the manner prescribed by law.

NEW SECTION, Sec. 70. DISTRIBUTION BY AUTHORITY. (1) The authority may annually use not more than five percent of the tax proceeds provided under section 65 of this act for costs of operation and administration.

(2) The remaining tax proceeds held by the authority shall be distributed monthly by the director to the counties and cities within the Puget Sound growth authority region as follows:

(a) Taxes collected from the sale of real property in the unincorporated areas of the county shall be distributed to the county in which such area lies and placed in a county growth fund; and

(b) Taxes collected from the sale of real property in a city shall be distributed to the city and placed in a city growth fund.

(3) Notwithstanding subsection (2) of this section, tax proceeds held by the authority shall be withheld by the director from those counties and cities that:

(a) Fail to submit a comprehensive plan in accordance with section 37 of this act;

(b) Fail to obtain certification or provisional certification of a comprehensive plan in accordance with sections 42 and 43 of this act; or

(c) Fail to comply with an order of the Puget Sound regional land use board of review in accordance with section 57 of this act.

(4) Tax proceeds withheld by the director under subsection (3) of this section shall be released to the county or city when it has submitted a comprehensive plan, obtained certification of a comprehensive plan, or complied with the order of the Puget Sound regional land use board of review.

Sec. 71. Section 82.02.020, chapter 15, Laws of 1961 as last amended by section 6, chapter 179, Laws of 1988 and RCW 82.02.020 are each amended to read as follows:

Except only as expressly provided in RCW 67.28.180 and 67.28.190 and the provisions of chapter 82.14 RCW, the state preempts the field of imposing taxes upon retail sales of tangible personal property, the use of tangible personal property, parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature. Except as provided in section 72 of this act, no county, city, town, or other municipal corporation shall impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land. However, this section does not preclude dedications of land or easements pursuant to RCW 58.17.110 within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply.

This section does not prohibit voluntary agreements with counties, cities, towns, or other municipal corporations that allow a payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision, or plat. A local government shall not use such voluntary agreements for local off-site transportation improvements within the geographic boundaries of the area or areas covered by an adopted transportation program authorized by chapter 39.92 RCW. Any such voluntary agreement is subject to the following provisions:

(1) The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact;

(2) The payment shall be expended in all cases within five years of collection; and

(3) Any payment not so expended shall be refunded with interest at the rate applied to judgments to the property owners of record at the time of the refund; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

No county, city, town, or other municipal corporation shall require any payment as part of such a voluntary agreement which the county, city, town, or other municipal corporation cannot establish is reasonably necessary as a direct result of the proposed development or plat.

Nothing in this section prohibits cities, towns, counties, or other municipal corporations from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW.

This section does not limit the existing authority of any county, city, town, or other municipal corporation to impose special assessments on property specifically benefitted thereby in the manner prescribed by law.

Nothing in this section prohibits counties, cities, or towns from imposing or permits counties, cities, or towns to impose water, sewer, natural gas, drainage utility, and drainage system charges: PROVIDED, That no such charge shall exceed the proportionate share of such utility or system's capital costs which the county, city, or town can demonstrate are attributable to the property being charged: PROVIDED FURTHER, That these provisions shall not be interpreted to expand or contract any existing authority of counties, cities, or towns to impose such charges.

Nothing in this section prohibits a transportation benefit district from imposing fees or charges authorized in RCW 36.73.120 nor prohibits the legislative authority of a county, city, or town from approving the imposition of such fees within a transportation benefit district.

Nothing in this section prohibits counties, cities, or towns from imposing transportation impact fees authorized pursuant to chapter 39.92 RCW.

This section does not apply to special purpose districts formed and acting pursuant to Titles 54, 56, 57, or 87 RCW, nor is the authority conferred by these titles affected.

NEW SECTION. Sec. 72. IMPOSITION OF DEVELOPMENT FEE. (1) The Puget Sound regional growth authority may impose a development fee on the issuance of each development permit within the boundaries of the Puget Sound growth authority region equal to one percent of the fair market value of the development that is authorized by the issuance of the permit. The authority may impose the development fee authorized under this section only if it also imposes the excise tax authorized under section 65 of this act. This fee is in addition to any other fee or tax imposed by law.

(2) For the purposes of this section:

(a) "Fair market value" means the price in terms of money that the improved property as authorized by the permit or other approval will bring in a competitive and open market under all conditions of a fair sale, the buyer and seller each prudently knowledgeable.

(b) "Development" includes: (i) The construction or reconstruction of any structure, building space, or land; (ii) any division of land for purposes of sale, lease, or transfer of ownership, including subdivisions, short subdivisions, condominium approvals, or binding site plans; and (iii) any planned unit or other contractual rezoning action.

(c) "Development permit" means a building permit or any other permit authorizing development.

(d) "Puget Sound regional growth authority," or "authority" means the entity established in section 31 of this act.

(e) "Puget Sound regional land use board of review" or "board of review" means the entity established in section 53 of this act.

NEW SECTION. Sec. 73. DEVELOPMENT PERMITS. No development permit may be issued by any local government within the Puget Sound growth authority region before payment of any fee imposed under section 72 of this act is made.

NEW SECTION. Sec. 74. TRANSFER TO COUNTY TREASURER. All development fees collected under this chapter, regardless of by whom collected, shall be transferred monthly to the respective county treasurer for collection, accounting, and distribution. The county treasurers shall act as agents for the authority.

NEW SECTION. Sec. 75. DISTRIBUTION BY COUNTY TREASURER. (1) The county treasurer shall place one-tenth of one percent of the proceeds of the fee imposed under section 72 of this act in the county current expense fund to defray costs of collection and distribution.

(2) The remaining proceeds from the fee imposed under section 72 of this act shall be distributed to the authority monthly.

NEW SECTION. Sec. 76. DISTRIBUTION BY THE AUTHORITY. (1) The authority may annually use not more than five percent of the fee proceeds provided under section 75(2) of this act for costs of operation and administration.

(2) The remaining fee proceeds held by the authority shall be distributed monthly by the director to the counties and cities within the Puget Sound growth authority region as follows:

(a) Fees collected from the development of real property in the unincorporated areas of the county shall be distributed to the county in which such area lies and placed in a county growth fund.

(b) Fees collected from the development of real property in a city shall be distributed to the city and placed in a city growth fund.

(3) Notwithstanding subsection (2) of this section, fee proceeds held by the authority shall be withheld by the director from those counties and cities that:

(a) Fail to submit a comprehensive plan in accordance with section 37 of this act;

(b) Fail to obtain certification or provisional certification of a comprehensive plan in accordance with sections 42 and 43 of this act; or

(c) Fail to comply with an order of the Puget Sound regional land use board of review in accordance with section 57 of this act.

(4) Fee proceeds withheld by the director under subsection (3) of this section shall be released to the county or city when it submits a comprehensive plan, obtains certification of a comprehensive plan, or complies with the order of the Puget Sound regional land use board of review.

NEW SECTION. Sec. 77. GROWTH FUNDS. Each city and county within the Puget Sound growth authority region shall establish a growth fund. All tax proceeds and development fees received from the authority under sections 70(2) and 76(2) of this act shall be placed in the growth fund.

NEW SECTION. Sec. 78. USE OF GROWTH FUNDS. Growth funds shall be used by the counties and cities to develop and implement their respective comprehensive plans. Implementation shall include, but not be limited to:

(1) The planning, designing, and construction of infrastructure;

(2) The construction of roadways, bridges, and means of mass transportation;

(3) The purchase and development of recreation lands and parks;

(4) The protection of public water supplies;

(5) Preventing the pollution of Puget Sound or waters entering Puget Sound;

(6) Assistance in the construction or acquisition of low-income housing;

(7) Planning for necessary public facilities and utilities;

(8) The conservation of forests, watersheds, soils, rivers, fisheries, wildlife, and natural resources;

(9) The construction or acquisition of public buildings;

(10) The mitigation of existing geologically hazardous conditions resultant from past development; and

(11) The purchase of open space lands and natural boundary lands.

NEW SECTION. Sec. 79. A new section is added to chapter 46.68 RCW to read as follows:

MOTOR VEHICLE FUND DISTRIBUTION. No money may be distributed under RCW 46.68.100 to a city, town, or county within the Puget Sound growth authority region that is not in compliance with the Puget Sound regional growth plan, as determined by the authority in accordance with section 45 of this act or by the board of review in accordance with section 57 of this act.

NEW SECTION. Sec. 80. A new section is added to chapter 66.08 RCW to read as follows:

LIQUOR REVOLVING FUND. No money may be distributed under RCW 66.08.190 to a city, town, or county within the Puget Sound growth authority region that is not in compliance with the Puget Sound regional growth plan, as determined by the authority in accordance with section 45 of this act or by the board of review in accordance with section 57 of this act.

NEW SECTION. Sec. 81. A new section is added to chapter 82.08 RCW to read as follows:

LIQUOR EXCISE TAX FUND. No money may be distributed under RCW 82.08.170 to a city, town, or county within the Puget Sound growth authority region that is not in compliance with the Puget Sound regional growth plan, as determined by the authority in accordance with section 45 of this act or by the board of review in accordance with section 57 of this act.

NEW SECTION. Sec. 82. A new section is added to chapter 82.14 RCW to read as follows:

MUNICIPAL SALES AND USE TAX EQUALIZATION ACCOUNT. (1) No money may be distributed under RCW 82.14.210 to a city or town within the Puget Sound growth authority region that is not in compliance with the Puget Sound regional growth plan, as determined by the authority in accordance with section 45 of this act or by the board of review in accordance with section 57 of this act.

(2) No money may be distributed under RCW 82.14.200 to a county within the Puget Sound growth authority region that is not in compliance with the Puget Sound regional growth plan, as determined by the authority in accordance with section 45 of this act or by the board of review in accordance with section 57 of this act.

NEW SECTION. Sec. 83. A new section is added to chapter 82.44 RCW to read as follows:

MOTOR VEHICLE EXCISE TAX. No money may be distributed under RCW 82.44.150(3)(a) to a city or town within the Puget Sound growth authority region that is not in compliance with the Puget Sound regional growth plan, as determined by the authority in accordance with section 45 of this act or by the board of review in accordance with section 57 of this act.

NEW SECTION. Sec. 84. Sections 29 through 60 of this act shall constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 85. Sections 65 through 70 and 72 through 78 of this act shall constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 86. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 87. Section headings used in this act do not constitute part of the law.

NEW SECTION, Sec. 88. Sections 29 through 87 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bluechel, you caught me right out of the dark. I haven't had anybody in my county say that they wanted to join in or be swallowed by King County, including our Port District. Can you tell me who informed you that Pierce County wanted to be in this?"

Senator Bluechel: "Senator Rasmussen, we have heard from quite a few officials in Pierce County. I know that in Pierce County you have had difficulties with establishing a comprehensive plan, because an initiative took it off a few years back, but you have the same growth although a little bit behind King and Snohomish Counties. You are part of the problem. We hope that Pierce County would be part of the solution. Senator Rasmussen, if you feel that you can vote for this plan, we will be very happy to have you take out Pierce County by an amendment."

Senator Rasmussen: "Well, we are not part of any problem in Pierce County. We solve our own problems. We didn't even want you to dump our voting machines. We would handle that in our own time, but, in fact, I'm fairly sure that somebody in our delegation would have had letters, visits, if they wanted to join in with this plan. I'm not so sure that it would be a good plan for us. We were in the Puget Sound Council of Governments at one time. Then they changed it to PSCOG and it hasn't improved any and should be abolished. They were trying to tell individual counties what to do, too, and that was their failure. I think you should leave it up to the counties individually."

Senator Bluechel: "Senator Rasmussen, the failure of the Puget Sound Council of Governments resulted from two things--no teeth and no funding."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Bluechel, McDonald, Bailey, Patrick and Nelson on page 1, lines 18 and 25 and page 18, beginning on line 11, to the striking Committee on Governmental Operations amendment to Engrossed Substitute House Bill No. 2929.

The amendments to the Committee on Governmental Operations striking amendment were not adopted.

MOTION

Senator Kreidler moved that the following amendment to the Committee on Governmental Operations striking amendment be adopted:

On page 1, after line 23, insert the following subsection and renumber subsections consecutively:

"(4) Sensitive areas include the following sensitive and critical areas and ecosystems: (a) Wetlands; (b) areas with critical recharging effect on aquifers used for potable water; (c) areas of significant fisheries and wildlife habitat; (d) flood plains; and (d) geologically hazardous areas."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kreidler on page 1, after line 23, to the Committee on Governmental Operations striking amendment to Engrossed Substitute House Bill No. 2929.

The motion by Senator Kreidler failed and the amendment to the committee amendment was not adopted.

MOTIONS

On motion of Senator Talmadge, the following amendments by Senators Talmadge and Murray to the Committee on Governmental Operations striking amendment were considered simultaneously and were adopted:

On page 2, beginning on line 13, strike "a planning checklist that includes state-wide goals" and insert "land use planning guidelines"

On page 2, beginning on line 15, strike "state-wide planning goals checklist" and insert "guidelines"

On page 4, beginning on line 16, strike "state-wide planning goals checklist" and insert "guidelines"

On page 4, beginning on line 23, strike "state-wide planning goals checklist" and insert "guidelines"

On page 5, beginning on line 6, strike "state-wide planning goals checklist" and insert "guidelines"

On page 5, beginning on line 9, strike "state-wide planning goals checklist" and insert "guidelines"

Senator Vognild moved that the following amendments by Senators Vognild and Kreidler to the Committee on Governmental Operations striking amendment be considered simultaneously and be adopted:

On page 3, line 4, after "services" insert "and facilities"

On page 3, line 5, after "services" insert "and facilities"

POINT OF INQUIRY

Senator Bluechel: "Senator Vognild, the key question in adopting an amendment, is where you have to add the facilities as the growth takes place, what is the funding source?"

Senator Vognild: "Well, Senator, as this bill finishes, there is either going to be state provided funding--which is being discussed in the budget area--there is also going to be provisions for local government funding as we move through the process here. The entire bill will require funding. This will just add that section to it as they do it."

Senator Bluechel: "Senator Vognild, the reason that I asked that question was that funding is in the hundreds of millions of dollars if you have to have it done in its entirety. That is one of the key issues in the whole concept of growth management. Do you provide partial funding or do you provide full funding because your amendment essentially says that you would have to have full funding and we are talking about hundreds of millions of dollars for just three counties alone, let alone the state."

Senator Vognild: "Senator, I read the bill slightly different than you do. As I read the bill, the bill requires that services and facilities be provided as part of the growth management plan. This simply says that they shall be provided as needed, rather than provided after the fact."

Senator Bluechel: "I guess that this is a sticky point, but I would simply say that to do what you want to do is very expensive."

Senator Vognild: "Senator, to do what we want to do with the entire growth management, is very expensive."

The President declared the question before the Senate to be the adoption of the amendments by Senators Vognild and Kreidler on page 3, lines 4 and 5, to the striking Committee on Governmental Operations amendment to Engrossed Substitute House Bill No. 2929.

The amendments to the Committee on Governmental Operations striking amendment were adopted.

MOTIONS

On motion of Senator Stratton, the following amendment by Senators Stratton and Barr to the Committee on Governmental Operations striking amendment was adopted:

On page 3, line 26, after "plans" insert: "PROVIDED, That each county is required to develop, adopt, administer, and enforce shorelines management programs pursuant to chapter 90.58 RCW."

Senator Bender moved that the following amendment to the Committee on Governmental Operations striking amendment be adopted:

On page 3, line 28 of the amendment, after "development" insert: "and

(17) Neighbor protection. Promote the stability of existing neighborhoods by assuring consistency of new zoning, with the height, bulk, and scale of existing residential or business neighborhoods, limiting the rate and nature of change in such neighborhoods, and promoting aesthetically pleasing development or redevelopment."

Debate ensued.

Senator Bender demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Bender on page 3, line 28, to the Committee on Governmental Operations striking amendment to Engrossed Substitute House Bill No. 2929.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Rasmussen, Rinehart, Smitherman, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hansen, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patrick, Patterson, Saling, Sellar, Smith, Stratton, Thorsness - 25.

Excused: Senator Matson - 1.

Senator Nelson assumed the Chair.

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Murray to the Committee on Governmental Operations striking amendment be adopted:

On page 5, after line 35, add the following subsection:

"(5) No later than eighteen months following adoption of the planning guidelines required under section 3 of this act, each city and county shall submit its revised comprehensive plan to the department. The department shall either certify the plan as consistent with the planning guidelines, or reject the plan, within one hundred eighty days of receipt. The department may extend its review period for no more than an additional one hundred eighty days. The department shall hold at least one public hearing within the area covered by the proposed plan. If the department rejects the plan, it shall specify with particularity the deficiencies of the plan and may describe changes to the plan required for certification by the department."

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President (Senator Nelson presiding) declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Talmadge and Murray on page 5, after line 35, to the Committee on Governmental Operations striking amendment to Engrossed Substitute House Bill No. 2929.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 24; nays, 24; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Hansen, Kreidler, Lee, Madsen, McMullen, Moore, Murray, Niemi, Rasmussen, Rinehart, Smitherman, Stratton, Sutherland, Talmadge, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patrick, Patterson, Saling, Sellar, Smith, Thorsness, von Reichbauer, West - 24.

Excused: Senator Matson - 1.

MOTION

Senator Murray moved that the following amendment by Senators Murray, Talmadge, Bailey, Lee, Gaspard and Rinehart to the Committee on Governmental Operations striking amendment be adopted:

On page 7, after line 8, insert the following subsection:

"(6) The educational facilities element of the comprehensive plan shall provide for notification to school districts of any proposed development having the potential to directly or indirectly impact school facilities. Cities and counties shall implement this plan provision through ordinances ensuring early notification to school districts of the proposed development and an opportunity to comment on the proposal. Cities and counties shall consider impacts to school facilities when reviewing applications for subdivision approval, zoning ordinances, or other required development approvals."

Debate ensued.

The President (Senator Nelson presiding) declared the question before the Senate to be the adoption of the amendment by Senators Murray, Talmadge, Bailey,

Lee, Gaspard and Rinehart on page 7, line 8, to the Committee on Governmental Operations striking amendment to Engrossed Substitute House Bill No. 2929.

The motion by Senator Murray carried and the amendment to the committee striking amendment was adopted.

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge, Murray and Fleming to the Committee on Governmental Operations striking amendment be adopted:

On page 7, after line 19, insert the following:

***NEW SECTION. Sec. 10. URBAN GROWTH BOUNDARIES.** (1) No later than twenty-four months following adoption of the state planning guidelines required under section 3 of this act, each county shall prescribe urban growth boundaries as an element of its comprehensive land use plan. These boundaries shall be consistent with the goals of this chapter, with department rules required under this section, and with the policy guidelines of the department. The proposed boundaries shall be submitted for certification by the department.

(2) No later than July 1, 1992, the department shall adopt rules defining standards for county adoption of urban growth boundaries. The rules shall describe the levels of urban governmental services which should be planned for areas intended for urban growth. The rules shall also provide criteria which must be considered by counties in prescribing urban growth boundaries, including, but not limited to:

(a) Present and potential use of the land for nonurban uses such as agriculture and forest production;

(b) The location of environmentally sensitive areas;

(c) Past and future population patterns and trends;

(d) Environmental capacity for future population;

(e) Present and potential urban governmental service capacity, and any existing plans for future service delivery;

(f) Past patterns and future projections of commercial and industrial development;

(g) Suitability of the urban growth configuration;

(h) Projected population density;

(i) Residential characteristics and community identities;

(j) Affordable housing needs and necessary land for affordable housing; and

(k) Plans and programs of public agencies.

(3) Following certification of the county comprehensive land use plan by the department, no urban governmental services may be extended outside of an urban growth boundary unless approved by the county legislative authority or planning commission as consistent with the comprehensive plan provisions for future urban growth, or as necessary to protect the health and safety of an existing residential population.

(4) Proposed facilities or systems to provide urban governmental services outside an urban growth boundary having a capacity to serve needs projected beyond five years in the future shall not be approved by the county unless it first amends the urban growth boundary and obtains certification of the amendment from the department.

(5) This section shall not apply to the provision of urban governmental services within the incorporated area of a city or town."

Renumber the remaining sections consecutively.

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President (Senator Nelson presiding) declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Talmadge, Murray and Fleming on page 7, after line 19, to the Committee on Governmental Operations striking amendment to Engrossed Substitute House Bill No. 2929.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was adopted by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Amondson, Bauer, Bender, Bluechel, Conner, DeJarnatt, Fleming, Gaspard, Kreidler, Lee, Madsen, McMullen, Metcalf, Moore, Murray, Niemi, Patrick, Rinehart, Smittherman, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 27.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Cantu, Craswell, Hansen, Hayner, Johnson, McCaslin, McDonald, Nelson, Newhouse, Owen, Patterson, Rasmussen, Saling, Sellar, Smith, Thorsness, West - 21.

Excused: Senator Matson - 1.

MOTION

Senator Patrick moved that the following amendment to the Committee on Governmental Operations striking amendment be adopted:

On page 7, after line 19, insert a new section as follows:

"NEW SECTION, Sec. 10. TRANSFER OF DEVELOPMENT RIGHTS. The development regulations enacted or amended by each city and county under section 9 of this act shall contain provisions granting a property owner the right to transfer any existing development rights from all or a portion of his or her land, to either another parcel of land or to the remainder of the first parcel of land, whenever all or a portion of the first parcel has future use or development restricted as a result of classification as a unique wildlife habitat, a rare or important natural ecosystem, an environmentally sensitive area, or a land having significant historical, cultural, or geological value."

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

Debate ensued.

The President (Senator Nelson presiding) declared the question before the Senate to be the adoption of the amendment by Senator Patrick on page 7, after line 19, to the Committee on Governmental Operations striking amendment to Engrossed Substitute House Bill No. 2929.

The motion by Senator Patrick failed and the amendment to the committee striking amendment was not adopted.

MOTION

Senator Williams moved that the following amendment to the Committee on Governmental Operations striking amendment be adopted:

On page 10, line 18, add a new section, and renumber subsequent sections:

"NEW SECTION, Sec. 14. NATURAL HERITAGE LANDS. (1) Natural heritage lands shall consist of all lands identified pursuant to subsection (2) or (4) of this section.

(2)(a) The legislature may create heritage lands by approving or modifying a recommendation made by the department. The department shall recommend to the legislature lands for natural heritage designation upon finding that the lands possess qualities identified with the natural heritage of Washington state. At a minimum, within one year of the effective date of this act, the department shall make recommendations regarding the following lands:

- (i) Nisqually Delta;
- (ii) Skagit Flats;
- (iii) Vancouver Lake Lowlands;
- (iv) Dishman Hills; and
- (v) Forest lands in state or private ownership contiguous to or proximate to lands managed by the United States Forest Service or United States Park Service which are used or can reasonably be used for commercial wood fiber production.

(b) The department's recommendations shall specify:

- (i) The boundary of the area;
- (ii) The reasons for the requested designation; and
- (iii) The goals to be served by a management plan.

(c) Upon the legislature's designation of natural heritage lands, the department shall develop and adopt a management plan.

(3)(a) Natural heritage lands may be designated by the department upon passage of an ordinance at the local level requesting such a designation. The ordinance shall specify:

- (i) The boundary of the area;
- (ii) The reasons for the requested designation; and
- (iii) The goals to be served by a management plan.

(b) Within sixty days of receipt of an ordinance meeting the requirements of subsection (1) of this section, the department shall determine whether there is a need for a management plan in order to protect the designated lands. Within six months of such a determination, the department shall develop and adopt a management plan.

(4) Management plans developed and adopted pursuant to subsections (2) and (4) of this section shall be consistent with the goals identified in the nomination. For forest lands designated pursuant to subsection (2)(e) of this section, the plan shall include a prohibition on subdividing into lots smaller than one hundred and sixty acres, and shall allow as a permitted use commercial forestry activity consistent with other laws. The department's process for developing a management plan shall be consistent with the public participation goals of this act and shall include at a minimum at least two public hearings in the vicinity of the designated lands.

(5) Land uses and land activities within natural heritage lands and governmental decisions directly affecting those lands shall be consistent with the purposes for which the lands were designated."

Debate ensued.

The President (Senator Nelson presiding) declared the question before the Senate to be the adoption of the amendment by Senator Williams on page 10, line 18, to the Committee on Governmental Operations striking amendment to Engrossed Substitute House Bill No. 2929.

The motion by Senator Williams failed and the amendment to the committee striking amendment was not adopted.

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Murray to the Committee on Governmental Operations striking amendment be adopted:

On page 18, after line 1, insert the following:

NEW SECTION. Sec. 27. STATE FINANCIAL ASSISTANCE. (1) All state agencies shall to the maximum extent practicable administer programs affecting land uses consistently with the certified comprehensive land use plans of cities and counties, and with the purposes of this chapter.

(2) After January 1, 1996, no state agency shall extend financial assistance for the provision of urban governmental services to a city or county that does not have a certified comprehensive land use plan.

(3) After January 1, 1996, each state agency administering programs for financial assistance for urban governmental services shall adopt and apply guidelines for making awards that place a higher priority upon assisting those projects that are identified in a certified comprehensive land use plan, and otherwise consistent with the urban growth policies of the plan. Each state agency shall consult with the department on the proposed guidelines prior to their adoption.

Renumber the remaining sections consecutively.

Debate ensued.

The President (Senator Nelson presiding) declared the question before the Senate to be the adoption of the amendment by Senators Talmadge and Murray on page 18, after line 1, to the Committee on Governmental Operations striking amendment to Engrossed Substitute House Bill No. 2929.

The motion by Senator Talmadge failed and the amendment to the committee striking amendment was not adopted.

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Murray to the Committee on Governmental Operations striking amendment be adopted:

On page 18, after line 1 of the amendment, insert the following:

"Sec. 27. Section 1, chapter 121, Laws of 1983 and RCW 58.17.020 are each amended to read as follows:

SUBDIVISIONS—DEFINITIONS. As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

(1) "Subdivision" is the division or redivision of land into ~~((five))~~ two or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership ~~((except as provided in subsection (6) of this section))~~.

(2) "Plat" is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets or roads, and alleys or other divisions and dedications.

(3) "Dedication" is the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat ~~((or short plat))~~ showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.

(4) "Preliminary plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets or roads and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

(5) "Final plat" is the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this chapter and in local regulations adopted under this chapter.

(6) ("~~Short subdivision~~" is the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership; ~~PROVIDED, That the legislative authority of any city or town may by local ordinance increase the number of lots, tracts, or parcels to be regulated as short subdivisions to a maximum of nine.~~

(7) "Binding site plan" means a drawing to a scale specified by local ordinance which: (a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the binding site plan; and (c) contains provisions making any development be in conformity with the binding site plan.

((8)) "~~Short plat~~" is the map or representation of a short subdivision.

((9)) (7) "Lot" is a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

((10)) (8) "Block" is a group of lots, tracts, or parcels within well defined and fixed boundaries.

((11)) (9) "County treasurer" shall be as defined in chapter 36.29 RCW or the office or person assigned such duties under a county charter.

((12)) (10) "County auditor" shall be as defined in chapter 36.22 RCW or the office or person assigned such duties under a county charter.

((13)) (11) "County road engineer" shall be as defined in chapter 36.40 RCW or the office or person assigned such duties under a county charter.

((14)) (12) "Planning commission" means that body as defined in chapters 36.70, 35.63, or 35A.63 RCW as designated by the legislative body to perform a planning function or that body assigned such duties and responsibilities under a city or county charter.

((15)) (13) "County commissioner" shall be as defined in chapter 36.32 RCW or the body assigned such duties under a county charter.

Sec. 28. Section 3, chapter 271, Laws of 1969 ex. sess. as amended by section 1, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.030 are each amended to read as follows:

SUBDIVISIONS—TWO LOTS. Every subdivision shall comply with the provisions of this chapter. (~~Every short subdivision as defined in this chapter shall comply with the provisions of any local regulation adopted pursuant to RCW 58.17.060.~~)

However, a county, city, or town may adopt an ordinance providing for a special subdivision procedure for certain subdivisions of land that, except for having an administrative approval process without a public hearing, must conform with the remainder of the requirements of this chapter, including, but not limited to, review and approval under RCW 58.17.110, as follows: (1) Any county, city, or town may provide for the subdivision of land into two lots under this special procedure; (2) any city or town may provide for the subdivision of land into up to nine lots under this special procedure; (3) any county that has adopted an urban growth area pursuant to section 10, chapter -- (ESHB 2929), Laws of 1990, may provide for the subdivision of land into up to nine lots within the unincorporated portion of an urban growth area under this special procedure; and (4) any county may provide for the subdivision of land into up to four lots under this special procedure if each resulting lot is of such a small size that it is incapable of being further subdivided under existing zoning or other development regulations. Under such a special subdivision procedure, a public hearing shall be held if written demands for a public hearing have been filed with the county, city, or town, within twenty-one days of the posting of the notice of the proposed subdivision, that have been signed by five or more persons who either reside, or own real property located, within two hundred yards of the outer boundary of the land that is proposed to be subdivided. A lot that has been created under this special subdivision procedure may not be divided in any manner within twenty years of its creation without conforming with the regular subdivision procedure.

Sec. 29. Section 4-123, chapter 43, Laws of 1989 and RCW 58.17.040 are each amended to read as follows:

SUBDIVISIONS—EXEMPTIONS. The provisions of this chapter shall not apply to:

(1) Cemeteries and other burial plots while used for that purpose;

(2) Divisions of land into lots or tracts each of which is (~~one one hundred twenty eighth~~) one thirty-second of a section of land or larger, or (~~five~~) twenty acres or larger if the land is not capable of description as a fraction of a section of land, unless the (~~governing authority~~) legislative body of the city, town, or county in which the land is situated shall have adopted a subdivision ordinance requiring plat approval of such divisions; PROVIDED, That for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;

(3) Divisions made by testamentary provisions, or the laws of descent;

(4) Subject to section 30 of this act, divisions of land into lots or tracts classified for industrial or commercial use when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;

(5) A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations:

(6) Subject to section 30 of this act, a division for purposes of residential lease including, but not limited to, apartments, duplexes, and triplexes, but not including divisions under subsection (5) or (8) of this section, when the city, town, or county has approved a binding site plan for the division in accordance with local regulations;

(7) A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site; and

~~((7))~~ (8) Subject to section 30 of this act, divisions of land into lots or tracts if: (a) The improvements constructed or to be constructed thereon will be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest; (b) a city, town, or county has approved a binding site plan for all such land; and (c) the binding site plan contains thereon the following statement: "All development of the land described herein shall be in accordance with the binding site plan, as it may be amended. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest."

NEW SECTION, Sec. 30. A new section is added to chapter 58.17 RCW to read as follows:

SUBDIVISIONS—BINDING SITE PLANS. Each city, town, or county ordinance establishing a system of binding site plan approvals, that pursuant to RCW 58.17.040 remove the division from review under the remainder of this chapter, shall be subject to the following conditions:

(1) A binding site plan may be approved by a city, town, or county only if, after holding a public hearing on the proposal, the city, town, or county makes written findings that: (a) The public interest will be served by the proposal; and (b) appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage, streets or roads, alleys, other public ways, transit stops and stations, potable water supplies and facilities, sanitary wastes and related facilities, parks and recreation facilities, playgrounds, schools, school facilities, schoolgrounds, and sidewalks and other planning features that assure safe walking conditions for students who walk to and from school:

(2) Violations of the binding site plan ordinance are enforceable in the same manner as a violation of this chapter is enforced; and

(3) Penalties for violating the binding site plan ordinance are the same as for violating this chapter.

Sec. 31, Section 9, chapter 271, Laws of 1969 ex. sess. as last amended by section 5, chapter 293, Laws of 1981 and RCW 58.17.090 are each amended to read as follows:

SUBDIVISIONS—NOTICES. (1) Upon receipt of an application for preliminary plat approval the administrative officer charged by ordinance with responsibility for administration of regulations pertaining to platting and subdivisions shall set a date for a public hearing. At a minimum, notice of the hearing shall be given in the following manner: ~~((t))~~ (a) Notice shall be published not less than ten days prior to the hearing in a newspaper of general circulation within the county and a newspaper of general circulation in the area where the real property which is proposed to be subdivided is located; ~~((2))~~ and (b) special notice of the hearing shall be given to adjacent landowners by any other reasonable method local authorities deem necessary, but shall include, at a minimum, the conspicuous posting of notice, in a manner designed to attract public attention, in the near vicinity of the land that is proposed to be subdivided. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, located within three hundred feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this subsection shall be given to owners of real property located within three hundred feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided. All hearings shall be public. All hearing notices shall include a description of the location of the proposed subdivision. The description may be in the form of either a vicinity location sketch or a written description other than a legal description.

(2) Where a county, city, or town has adopted an ordinance providing for the administrative approval of certain subdivisions pursuant to RCW 58.17.030, the county, city, or town shall provide notice of the proposed subdivision by publication and posting in the manner provided for under subsection (1) of this section. This notice shall be posted within fourteen days of the filing of the application, and shall be published not less than ten days after the posting of the notice.

Sec. 32, Section 11, chapter 271, Laws of 1969 ex. sess. as last amended by section 3, chapter 330, Laws of 1989 and RCW 58.17.110 are each amended to read as follows:

SUBDIVISIONS—APPROVAL CRITERIA. (1) The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine: (a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage (~~(ways)~~), streets or roads, alleys, other public ways, transit stops or stations, potable water supplies and facilities, sanitary wastes and related facilities, parks and recreation facilities, playgrounds, ~~((sites for))~~ schools, school facilities, and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school(~~and determine~~); and (b) whether the public interest will be served by the subdivision and dedication. (~~If it finds that the proposed plat makes~~)

(2) ~~A proposed subdivision and dedication shall be not approved unless the city, town, or county legislative body makes a written finding that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ((ways)), streets or roads, alleys, other public ways, transit stops or stations, potable water supplies and facilities, sanitary wastes and related facilities, parks and recreation facilities, playgrounds, ((sites for)) schools, school facilities, and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school((-and that)); and (b) the public use and interest will be served by the ((plating of such)) subdivision((-then it shall be approved. If it finds that the proposed plat does not make such appropriate provisions or that the public use and interest will not be served, then the legislative body may disapprove the proposed plat)) and dedication.~~ Dedication of land to any public body, provision of public facilities, and/or impact fees or excise taxes in lieu of dedications or provision of public facilities, may be required as a condition of subdivision approval and shall be clearly shown on the final plat. The legislative body shall not as a condition to the approval of any (~~plat~~) subdivision require a release from damages to be procured from other property owners.

Sec. 33. Section 14, chapter 271, Laws of 1969 ex. sess. as last amended by section 2, chapter 233, Laws of 1986 and RCW 58.17.140 are each amended to read as follows:

SUBDIVISIONS—APPROVAL TIME FRAMES. Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety days from date of filing thereof unless the applicant consents to an extension of such time period or the ninety day limitation is extended to include up to twenty-one days as specified under RCW 58.17.095(3); PROVIDED, That (~~if an environmental impact statement is required as provided in RCW 43.21C.036~~) the ninety day period shall not include the time spent (~~preparing and circulating the environmental impact statement by the local government agency~~) conforming with the requirements of chapter 43.21C RCW. Final plats (~~and short plats~~) shall be approved, disapproved, or returned to the applicant within thirty days from the date of filing thereof, unless the applicant consents to an extension of such time period. A final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town, or county for approval within three years of the date of preliminary plat approval(~~PROVIDED, That this three-year time period shall retroactively apply to any preliminary plat pending before a city, town, or county as of July 24, 1983, where the authority to proceed with the filing of a final plat has not lapsed under an applicable city, town, or county ordinance containing a shorter time period that was in effect when the preliminary plat was approved~~). An applicant who files a written request with the legislative body of the city, town, or county at least thirty days before the expiration of this three-year period shall be granted one one-year extension upon a showing that the applicant has attempted in good faith to submit the final plat within the three-year period. Nothing contained in this section shall act to prevent any city, town, or county from adopting by ordinance procedures which would allow other extensions of time that may or may not contain additional or altered conditions and requirements.

Sec. 34. Section 30, chapter 271, Laws of 1969 ex. sess. as amended by section 9, chapter 293, Laws of 1981 and RCW 58.17.165 are each amended to read as follows:

SUBDIVISIONS—TECHNICAL, SHORT PLATS. Every final plat (~~or short plat~~) of a subdivision (~~or short subdivision~~) filed for record must contain a certificate giving a full and correct description of the lands divided as they appear on the plat (~~or short plat~~), including a statement that the subdivision (~~or short subdivision~~) has been made with the free consent and in accordance with the desires of the owner or owners.

If the plat (~~or short plat~~) is subject to a dedication, the certificate or a separate written instrument shall contain the dedication of all streets or roads and other areas to the public, and individual or individuals, religious society or societies or to any corporation, public or private as shown on the plat (~~or short plat~~) and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat.

Every plat (~~and short plat~~) containing a dedication filed for record must be accompanied by a title report confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.

An offer of dedication may include a waiver of right of direct access to any street or road from any property, and if the dedication is accepted, any such waiver is effective. Such waiver may be required by local authorities as a condition of approval. Streets or roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation or grant as shown on the face of the plat shall be considered to all intents and purposes, as a quitclaim deed to the said donee or donees, grantee or grantees for his, her or their use for the purpose intended by the donors or grantors as aforesaid.

Sec. 35. Section 17, chapter 271, Laws of 1969 ex. sess. as amended by section 10, chapter 293, Laws of 1981 and RCW 58.17.170 are each amended to read as follows:

SUBDIVISIONS—GRANDFATHERING OF OTHER STANDARDS. When the legislative body of the city, town or county finds that the subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval, and that said subdivision meets the requirements of this chapter, other applicable state laws, and any local ordinances adopted under this chapter which were in effect at the time of preliminary plat approval, it shall suitably inscribe and execute its written approval on the face of the plat. The original of said final plat shall be filed for record with the county auditor. One reproducible copy shall be furnished to the city, town or county engineer. One paper copy shall be filed with the county assessor. Paper copies shall be provided to such other agencies as may be required by ordinance. ~~(Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five years from the date of filing. A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances, and regulations in effect at the time of approval under RCW 58.17.150 (1) and (3) for a period of five years after final plat approval unless the legislative body finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.)~~

Sec. 36. Section 14, chapter 293, Laws of 1981 and RCW 58.17.195 are each amended to read as follows:

SUBDIVISIONS—TECHNICAL, SHORT PLATS. No plat (~~or short plat~~) may be approved unless the city, town, or county makes a formal written finding of fact that the proposed subdivision (~~or proposed short subdivision~~) is in conformity with any applicable zoning ordinance or other land use controls which may exist.

Sec. 37. Section 4, chapter 354, Laws of 1987 and RCW 58.17.215 are each amended to read as follows:

SUBDIVISIONS—ALTERING. When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040(6), that person shall submit an application to request the alteration to the legislative authority of the city, town, or county where the subdivision is located. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

Upon receipt of an application for alteration, the legislative body shall provide notice of the application to all owners of property within the subdivision, and as provided for in RCW 58.17.080 and 58.17.090. The notice shall either establish a date for a public hearing or provide that a hearing may be requested by a person receiving notice within fourteen days of receipt of the notice.

The legislative body shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

After approval of the alteration, the legislative body shall order the applicant to produce a revised drawing of the approved alteration of the final plat (~~or short plat~~), which after signature of the legislative authority, shall be filed with the county auditor to become the lawful plat of the property.

This section shall not be construed as applying to the alteration or replatting of any plat of state-granted tide or shore lands.

Sec. 38. Section 6, chapter 354, Laws of 1987 and RCW 58.17.255 are each amended to read as follows:

SUBDIVISIONS—SURVEY DISCREPANCIES. Whenever a survey of a proposed subdivision (~~or short subdivision~~) reveals a discrepancy, the discrepancy shall be noted on the face of the

final plat ((or short plat. Any)). The discrepancy or discrepancies that are so noted on the final plat shall be disclosed in a title report prepared by a title insurer and issued after the filing of the final plat ((or short plat)). However, the failure to disclose such a note shall not be subject to RCW 58.17.300. As used in this section, "discrepancy" means: (1) A boundary hiatus; (2) an overlapping boundary; or (3) a physical appurtenance, which indicates encroachment, lines of possession, or conflict of title.

Sec. 39. Section 2, chapter 150, Laws of 1973 as last amended by section 1, chapter 39, Laws of 1986 and RCW 58.17.310 are each amended to read as follows:

SUBDIVISIONS—TECHNICAL, SHORT PLATS. In addition to any other requirements imposed by the provisions of this chapter, the legislative authority of any city, town, or county shall not approve a ((short plat or)) final plat, as defined in RCW 58.17.020, for any subdivision, ((short subdivision;)) lot, tract, parcel, or site which lies in whole or in part in an irrigation district organized pursuant to chapter 87.03 RCW unless there has been provided an irrigation water right of way for each parcel of land in such district. In addition, if the subdivision, ((short subdivision;)) lot, tract, parcel, or site lies within land within ((the)) an irrigation district that is classified as being irrigable, completed irrigation water distribution facilities for such land may be required by the irrigation district by resolution, bylaw, or rule of general applicability as a condition for approval of the ((short plat or)) final plat by the legislative authority of the city, town, or county. Rights of way shall be evidenced by the respective plats submitted for final approval to the appropriate legislative authority. Compliance with the requirements of this section together with all other applicable provisions of this chapter shall be a prerequisite, within the expressed purpose of this chapter, to any sale, lease, or development of land in this state.

Re-number remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President (Senator Nelson presiding) declared the question before the Senate to be the adoption of the amendment by Senators Talmadge and Murray on page 18, after line 1, to the Committee on Governmental Operations striking amendment to Engrossed Substitute House Bill No. 2929.

The motion by Senator Talmadge failed and the amendment to the committee striking amendment was not adopted.

MOTION

Senator Lee moved that the following amendment by Senators Lee, Anderson and Smitherman to the Committee on Governmental Operations striking amendment be adopted:

On page 18, after line 1 of the amendment, insert the following:

***NEW SECTION. Sec. 27. INTENT—RURAL ECONOMIC DEVELOPMENT.** The legislature finds that the Puget Sound region is experiencing economic prosperity and the challenges associated with rapid growth. Much of the rest of the state is not experiencing economic prosperity, and faces challenges associated with slow economic growth. It is the intent of the legislature to encourage economic prosperity and balanced economic growth throughout the state.

In order to accomplish this goal, growth must be managed more effectively in the Puget Sound region, and rural areas must build local capacity to accommodate additional economic activity in their communities. Where possible, rural economies and low-income areas should be linked with prosperous urban economies to share economic growth for the benefit of all areas of the state.

Sec. 28. Section 1, chapter 20, Laws of 1983 1st ex. sess. as amended by section 1, chapter 231, Laws of 1985 and RCW 43.210.010 are each amended to read as follows:

EXPORT ASSISTANCE CENTER—ENCOURAGE URBAN-RURAL LINKS. The legislature finds:

(1) The exporting of goods and services from Washington to international markets is an important economic stimulus to the growth, development, and stability of the state's businesses in both urban and rural areas, and that these economic activities create needed jobs for Washingtonians.

(2) Impediments to the entry of many small and medium-sized businesses into export markets have restricted growth in exports from the state.

(3) Particularly significant impediments for many small and medium-sized businesses are the lack of easily accessible information about export opportunities and financing alternatives.

(4) There is a need for a small business export finance assistance center which will specialize in providing export assistance to small and medium-sized businesses throughout the state in acquiring information about export opportunities and financial alternatives for exporting.

Sec. 29. Section 2, chapter 20, Laws of 1983 1st ex. sess. as amended by section 2, chapter 231, Laws of 1985 and RCW 43.210.020 are each amended to read as follows:

EXPORT ASSISTANCE CENTER—ENCOURAGE URBAN-RURAL LINKS. A nonprofit corporation, to be known as the small business export finance assistance center, and branches subject to its authority, may be formed under chapter 24.03 RCW for the following public purposes:

(1) To assist small and medium-sized businesses in both urban and rural areas in the financing of export transactions.

(2) To provide, singly or in conjunction with other organizations, information and assistance to these businesses about export opportunities and financing alternatives.

(3) To provide information to and assist those businesses interested in exporting products, including the opportunities available to them in organizing export trading companies under the United States export trading company act of 1982, for the purpose of increasing their comparative sales volume and ability to export their products to foreign markets.

Sec. 30. Section 1, chapter 466, Laws of 1985 and RCW 43.31.005 are each amended to read as follows:

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT—ENCOURAGE GROWTH STATE-WIDE. The legislature of the state of Washington finds that economic development is an essential public purpose which requires the active involvement of state government. The state's primary economic strategy is to encourage the retention and expansion of existing businesses, to attract new businesses and industries, ~~((and))~~ to foster the formation of new businesses, and to economically link rural communities with urban areas. In order to aid the citizens of Washington to obtain desirable employment and achieve adequate incomes, it is necessary for the state to encourage balanced growth and economic prosperity and to promote a more diversified and healthy economy throughout the state.

The legislature finds that the state needs to improve its level of employment, business activity, and revenue growth. In order to increase job opportunities and revenues, a broader and more stable economic base is needed. The state shall take primary responsibility to encourage the balanced growth of the economy consistent with the preservation of Washington's quality of life and environment. A healthy economy can be achieved through partnership efforts with the private sector to facilitate increased investment in Washington. It is the policy of the state of Washington to encourage and promote an economic development program that provides sufficient employment opportunities for our current resident work force and those individuals who will enter the state's work force in the future.

The legislature finds that the state of Washington has the potential to become a major world trade gateway. In order for Washington to fulfill its potential and compete successfully with other states and provinces, it must articulate a consistent, long-term trade policy. It is the responsibility of the state to monitor and ensure that such traditional functions of state government as transportation, infrastructure, education, taxation, regulation and public expenditures contribute to the international trade focus the state of Washington must develop.

Sec. 31. Section 4, chapter 466, Laws of 1985 and RCW 43.31.035 are each amended to read as follows:

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT—ENCOURAGE GROWTH STATE-WIDE. The department shall pursue a coordinated approach for the state's economic development policies and programs to achieve a more diversified and healthy economy. The department shall support and work cooperatively with other state agencies, public and private organizations, and units of local government, as well as the federal government, to strengthen and coordinate economic development programs ~~((tm))~~ throughout the state. The department's activities shall include, but not be limited to:

(1) Providing economic development advisory assistance to the governor, other state agencies, and the legislature on economic-related issues, and other matters affecting the economic well-being of the state and all its citizens.

(2) Providing staff and support to cabinet level interagency economic development coordinating activities.

(3) Representing and monitoring the state's interests with the federal government in its formulation of policies and programs in economic development.

(4) Assisting in the development and implementation of a long-term economic strategy for the state that encourages a balance in economic growth between urban and rural areas and that stimulates economic development in areas not experiencing problems associated with rapid growth, and assisting the continual update of information and strategies contained in the long-term economic program for the state.

Sec. 32. Section 5, chapter 125, Laws of 1984 as amended by section 137, chapter 266, Laws of 1986 and RCW 43.63A.065 are each amended to read as follows:

DEPARTMENT OF COMMUNITY DEVELOPMENT—PRIORITIZE BASED ON NEED. The department shall have the following functions and responsibilities:

(1) Cooperate with and provide technical and financial assistance to the local governments and to the local agencies serving the communities of the state for the purpose of aiding and encouraging orderly, productive, and coordinated development of the state, and, unless stipulated otherwise, give priority to local communities with the greatest relative need and the lowest resources.

(2) Administer state and federal grants and programs which are assigned to the department by the governor or the legislature.

(3) Administer community services programs through private, nonprofit organizations and units of general purpose local government; these programs are directed to the poor and infirm and include community-based efforts to foster self-sufficiency and self-reliance, energy assistance programs, head start, and weatherization.

(4) Study issues affecting the structure, operation, and financing of local government as well as those state activities which involve relations with local government and report the results and recommendations to the governor, legislature, local government, and citizens of the state.

(5) Assist the governor in coordinating the activities of state agencies which have an impact on local governments and communities.

(6) Provide technical assistance to the governor and the legislature on community development policies for the state.

(7) Assist in the production, development, rehabilitation, and operation of owner-occupied or rental housing for low and moderate income persons, and qualify as a participating state agency for all programs of the Department of Housing and Urban Development or its successor.

(8) Support and coordinate local efforts to promote volunteer activities throughout the state.

(9) Participate with other states or subdivisions thereof in interstate programs and assist cities, counties, municipal corporations, governmental conferences or councils, and regional planning commissions to participate with other states or their subdivisions.

(10) Hold public hearings and meetings to carry out the purposes of this chapter.

(11) Provide a comprehensive state-level focus for state fire protection services, funding, and policy.

(12) Administer a program to identify, evaluate, and protect properties which reflect outstanding elements of the state's cultural heritage.

(13) Coordinate a comprehensive state program for mitigating, preparing for, responding to, and recovering from emergencies and disasters.

NEW SECTION, Sec. 33. A new section is added to chapter 43.31 RCW to read as follows:

ASSOCIATE DEVELOPMENT ORGANIZATION NETWORK FORMALIZED. (1) There is established in the department the local economic development service program. This program shall coordinate the delivery of economic development services to local communities or regional areas. It shall encourage a partnership between the public and private sectors and between state and local officials to encourage appropriate economic growth in communities throughout the state.

(2) The department's local economic development service program shall promote local economic development by assisting businesses to start-up, maintain, or expand their operations, by encouraging public infrastructure investment and private capital investment in local communities, and by expanding employment opportunities.

(3) The department's local economic development service program shall, among other things, (a) contract with local economic development nonprofit corporations, called "associate development organizations," for the delivery of economic development services to local communities or regional areas; (b) enter into interagency agreements with appropriate state agencies, such as the department of community development, the department of agriculture, and the employment security department, to coordinate the delivery of economic development services to local communities or regional areas; (c) enter into agreements with other public organizations or institutions that provide economic development services, such as the small business development center, the Washington technology center, community colleges, vocational-technical institutes, the University of Washington, Washington State University, four-year colleges and universities, the federal small business administration, ports, and others, to coordinate the delivery of economic development services to local communities and regional areas; and (d) provide training, through contracts with public or private organizations, and other assistance to associate development organizations to the extent resources allow.

(4) It is the intent of the legislature that the associate development organizations coordinate, through local service agreements or other methods, the delivery of all available economic development services in their areas that are provided by public and private organizations, including state agencies.

(5) The legislature encourages local associate development organizations to form partnerships with other associate development organizations in their region to combine resources for better access to available services, to encourage regional delivery of state services, and to more effectively build the local capacity of communities in the region.

(6) It is the intent of the legislature that state agencies and other public and private organizations enter into agreements with the department or associate development organizations to enhance the delivery of economic development services to local communities.

NEW SECTION, Sec. 34. A new section is added to chapter 43.31 RCW to read as follows:

INDUSTRIAL COMPETITIVENESS PROGRAM. The business assistance center within the department of trade and economic development shall create an industrial competitiveness

program. The program shall (1) assist in the creation of self-supporting industry associations that develop cooperative programs for enhancing the competitiveness of their members, and (2) conduct an industrial census for use in sectoral assistance. The department may contract with educational institutions, private consultants, or nonprofit organizations to facilitate the program's efforts.

The department shall report to the legislature by January 1, 1991, on the work of the program and make recommendations to the legislature on strategies and delivery systems for improving the competitiveness of new and mature manufacturing sectors in the state.

NEW SECTION. Sec. 35. EVALUATION OF RESEARCH AND DEVELOPMENT PROGRAMS. (1) The department of trade and economic development shall contract for an evaluation of publicly supported programs in the state that conduct research and development, provide technology transfer and commercialization services, and provide industrial extension services. The evaluation shall focus on the economic development and educational links to such programs.

(2) The department shall contract with a national expert on public sector involvement in science and technology and the utilization of applied research to support economic development.

(3) The evaluation shall analyze, among other things:

(a) The current public and private sector science and technology efforts in Washington state;

(b) The current public and private sector technology development, transfer, and commercialization efforts in Washington state;

(c) The current university-industry and private-public sector relationships in science and technology in Washington state;

(d) The current industrial extension activities of state educational institutions;

(e) The extent to which the efforts in (a), (b), (c), and (d) of this subsection are organized and coordinated on a state-wide basis;

(f) The current public sector efforts to transfer or protect new technology, including (i) the office of technology transfer at the University of Washington, (ii) the Washington research foundation, and (iii) the Washington State University research foundation; and

(g) The Washington technology center, created under RCW 28B.20.285, by conducting a comprehensive program strategy evaluation assessing the accomplishments and activities of the center regarding its perceived goals and objectives. The program strategy evaluation shall consider, but not be limited to:

(i) The science and technology areas focused on by the center in relation to the strengths and opportunities in the region and the state;

(ii) The economic impact of the Washington technology center to date;

(iii) Access to the Washington technology center throughout the state and by small and medium-sized businesses;

(iv) The commercialization of the Washington technology center's new technology;

(v) Whether the research is basic or applied and academically driven or industry-driven; and

(vi) The quality of the research.

(4) The evaluation required under this section shall include recommendations to the governor and the legislature. The recommendations shall be based on the reviews conducted under subsection (3) of this section and shall consider the efforts of other states in science and technology. The recommendations shall include, but not be limited to, the following:

(a) What structures the state should consider to most effectively identify and manage its science and technology interests;

(b) How the state can better coordinate public and private efforts in science and technology, particularly technology development, commercialization, and industrial extension;

(c) How the state can encourage and facilitate a greater number of entrepreneurs and small and medium-sized businesses having input and access to the Washington technology center, as well as access to commercially promising research being done at the state's universities and colleges;

(d) How the state can better assist in the formation of new business and the expansion of existing business to develop commercially promising technology into products and processes that result in more jobs and capital in the state;

(e) How public funds invested in science and technology can be effectively accounted for and evaluated; and

(f) Should the Washington technology center's structure or goals be changed based on the evaluation under subsection (3)(g) of this section.

(5) The department shall submit the evaluation and recommendations to the legislature and the governor by December 1, 1990.

NEW SECTION. Sec. 36. A new section is added to chapter 43.17 RCW to read as follows:

EXPEDITIOUS EXERCISE OF POWER TO ISSUE PERMITS, LICENSES, CERTIFICATIONS, CONTRACTS, AND GRANTS—COOPERATION. Where power is vested in a department to issue permits, licenses, certifications, contracts, grants, or otherwise authorize action on the part of individuals, businesses, local governments, or public or private organizations, such power shall

be exercised in an expeditious manner. All departments with such power shall cooperate with officials of the business assistance center of the department of trade and economic development, and any other state officials, when such officials request timely action on the part of the issuing department.

NEW SECTION, Sec. 37. A new section is added to chapter 43.31 RCW to read as follows:

ASSISTANCE IN OBTAINING PERMITS, LICENSES, CERTIFICATIONS, AND GRANTS—RECOMMENDATIONS. (1) The business assistance center is authorized to assist individuals, businesses, local governments, and public or private organizations in obtaining permits, licenses, certifications, contracts, and grants that relate to economic development in the state and are required by law to be issued by state agencies.

(2) The business assistance center shall make recommendations to the governor and the legislature by January 1, 1991, regarding improvements in the processing of permits, licenses, certifications, contracts, and grants by state agencies. Such recommendations shall include recommendations on a process for resolving disputes that may arise when state agencies are requested to issue a permit, license, certification, contract, or grant.

NEW SECTION, Sec. 38. A new section is added to chapter 43.31 RCW to read as follows:

BID INFORMATION. The business assistance center of the department of trade and economic development shall make available on its electronic bulletin board a listing of all open bids issued by state agencies. The business assistance center shall develop and implement a marketing plan for this service to businesses and associate development organizations in the state.

The information made available on each bid shall include:

- (1) A summary of the goods or services being requested;
- (2) The start or delivery date specified in the bid request;
- (3) The name, address, and telephone number of an individual from whom a business can obtain a complete bid package and further information; and
- (4) When the bid is due.

The bid information may also be made available on a subscription basis through the mail. The business assistance center may charge a fee for bid information provided either electronically or through the mail to offset its costs. Associate development organizations shall receive bid information free of charge.

NEW SECTION, Sec. 39. A new section is added to chapter 43.19 RCW to read as follows:

BID INFORMATION—NOTIFICATION. All state institutions, colleges, community colleges, and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state shall, when soliciting bids, notify the business assistance center of the department of trade and economic development in a format prescribed by the business assistance center and where possible by direct input to the electronic bulletin board, or if not possible by direct input, by either providing the information on a compatible data disk or if a compatible data disk is not reasonably possible, in writing, of the bid solicitation so that the information may be made available on the center's electronic bulletin board. The notification to the business assistance center shall include:

- (1) A summary of the goods or services being requested;
- (2) The start or delivery date specified in the bid request;
- (3) The name, address, and telephone number of an individual from whom a business can obtain a complete bid package and further information; and
- (4) When the bid is due.

The requirement of this section shall not apply to telephone requests for quotes authorized by the Washington state information services board created under chapter 43.105 RCW.

NEW SECTION, Sec. 40. A new section is added to chapter 82.32 RCW to read as follows:

BID INFORMATION—NOTICE TO BUSINESSES. The department of revenue shall send out a notice on the availability of bid information provided by the business assistance center under section 38 of this act twice during fiscal year 1991 and once yearly thereafter to all businesses paying taxes in this state.

Sec. 41. Section 12, chapter 446, Laws of 1985 as last amended by section 3, chapter 93, Laws of 1988 and RCW 43.155.070 are each amended to read as follows:

PUBLIC WORKS ASSISTANCE FUND—CONSIDER BENEFITS TO COMMUNITY. (1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

- (a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;
- (b) The local government must have developed a long-term plan for financing public works needs; and
- (c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects

accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

(c) The cost of the project compared to the size of the local government and amount of loan money available;

(d) The number of communities served by or funding the project;

(e) Whether the project is located in an area of high unemployment, compared to the average state unemployment; ~~(and)~~

(f) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

(g) Other criteria that the board considers advisable.

(3) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(4) Before November 1 of each year, the board shall develop and submit to the chairs of the ways and means committees of the senate and house of representatives a description of the emergency loans made under RCW 43.155.065 during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(5) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

(6) Subsections (4) and (5) of this section do not apply to loans made for emergency public works projects under RCW 43.155.065.

Sec. 42. Section 6, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 62, chapter 431, Laws of 1989 and RCW 43.160.060 are each amended to read as follows:

COMMUNITY ECONOMIC REVITALIZATION BOARD—CONSIDER BENEFITS TO RURAL COMMUNITY—DESTINATION TOURIST RESORTS. The board is authorized to make direct loans to political subdivisions of the state for the purposes of assisting the political subdivisions in financing the cost of public facilities, including development of land and improvements for public facilities, as well as the acquisition, construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not make a grant or loan:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that probably would result in a development or expansion that would displace existing jobs in any other community in the state.

(c) For the acquisition of real property, including buildings and other fixtures which are a part of real property.

(2) The board shall only make grants or loans:

(a) For those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, ~~(and)~~ industrial distribution, and destination tourist resorts; (ii) for processing recyclable materials or for facilities that support recycling, including processes not currently provided in the state, including but not limited to, de-inking facilities, mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste paper; or (iv) which substantially support the trading of goods or services outside of the state's borders.

(b) For projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities.

(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the grant or loan is made.

(3) The board shall prioritize each proposed project according to the relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located. As long as there is more demand for loans or grants than there are funds available for loans or grants, the board is instructed to fund projects in order of their priority.

(4) A responsible official of the political subdivision shall be present during board deliberations and provide information that the board requests.

Before any loan or grant application is approved, the political subdivision seeking the loan or grant must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Sec. 43. Section 2, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 58, chapter 466, Laws of 1985 and RCW 43.160.020 are each amended to read as follows:

DESTINATION TOURIST RESORTS—DEFINITION. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) "Department" means the department of trade and economic development or its successor with respect to the powers granted by this chapter.

(4) "Destination tourist resort" means a master planned tourism and recreation complex that:

(a) Is developed primarily as a location for recreation and tourism activities that will be used primarily by nonresidents of the immediate area;

(b) Has elements that typically attract visitors for extended stays of two days or more;

(c) Includes: (i) Lodging facilities; (ii) eating and drinking establishments; and (iii) recreation and tourism amenities; and

(d) Is generally located away from densely populated areas.

(5) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

((5)) (6) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

((6)) (7) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

((7)) (8) "Local government" means any port district, county, city, or town.

((8)) (9) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

((9)) (10) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

((10)) (11) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

Sec. 44. Section 5, chapter 164, Laws of 1985 as last amended by section 9, chapter 430, Laws of 1989 and RCW 43.168.050 are each amended to read as follows:

DEVELOPMENT LOAN FUND COMMITTEE—CONSIDER BENEFITS TO RURAL COMMUNITY.

(1) The committee may only approve an application providing a loan for a project which the committee finds:

(a) Will result in the creation of employment opportunities or the maintenance of threatened employment;

(b) Has been approved by the director as conforming to federal rules and regulations governing the spending of federal community development block grant funds;

(c) Will be of public benefit and for a public purpose, and that the benefits, including increased or maintained employment, improved standard of living, and the employment of disadvantaged workers, will primarily accrue to residents of the area;

(d) Will probably be successful:

(e) Would probably not be completed without the loan because other capital or financing at feasible terms is unavailable or the return on investment is inadequate.

(2) The committee shall, subject to federal block grant criteria, give higher priority to economic development projects that contain provisions for child care.

(3) The committee may not approve an application if it fails to provide for adequate reporting or disclosure of financial data to the committee. The committee may require an annual or other periodic audit of the project books.

(4) The committee may require that the project be managed in whole or in part by a local development organization and may prescribe a management fee to be paid to such organization by the recipient of the loan or grant.

(5) (a) Except as provided in (b) of this subsection, the committee shall not approve any application which would result in a loan or grant in excess of three hundred fifty thousand dollars.

(b) The committee may approve an application which results in a loan or grant of up to seven hundred thousand dollars if the application has been approved by the director.

(6) The committee shall fix the terms and rates pertaining to its loans.

(7) Should there be more demand for loans than funds available for lending, the committee shall provide loans for those projects which will lead to the greatest amount of employment or benefit to a community. In determining the "greatest amount of employment or benefit" the committee shall also consider the employment which would be saved by its loan and the benefit relative to the community, not just the total number of new jobs or jobs saved.

(8) To the extent permitted under federal law the committee shall require applicants to provide for the transfer of all payments of principal and interest on loans to the Washington state development loan fund created under this chapter. Under circumstances where the federal law does not permit the committee to require such transfer, the committee shall give priority to applications where the applicants on their own volition make commitments to provide for the transfer.

(9) The committee shall not approve any application to finance or help finance a shopping mall.

(10) The committee shall make at least eighty percent of the appropriated funds available to projects located in distressed areas, and may make up to twenty percent available to projects located in areas not designated as distressed. The committee shall not make funds available to projects located in areas not designated as distressed if the fund's net worth is less than seven million one hundred thousand dollars.

(11) If an objection is raised to a project on the basis of unfair business competition, the committee shall evaluate the potential impact of a project on similar businesses located in the local market area. A grant may be denied by the committee if a project is not likely to result in a net increase in employment within a local market area.

Sec. 45. Section 7, chapter 125, Laws of 1984 as amended by section 33, chapter 505, Laws of 1987 and RCW 43.63A.078 are each amended to read as follows:

TECHNICAL ASSISTANCE GRANTS. (1) The department shall develop and administer a local development matching fund program. To be eligible to receive funds under this program, an organization must be a local government or a nonprofit local development entity. Any local government or entity requesting funds must demonstrate the participation of a cross-section of the local community in the economic development project, including business, labor, education and training, and the public sector. Under this program, the department shall provide matching funds which shall be used for the formulation of local economic development strategies, including the technical analysis necessary to designate and carry out the strategies. A technical analysis can include, but is not limited to, the development and dissemination of data on local markets, demographics, comparative business costs, site availability, labor force characteristics, and local incentives. Funds are to be used primarily to foster new developments and expansions which result in the trading of goods and services outside of the state's borders. Funds may be made available for assisting local businesses in utilizing state and federal programs in exporting, training, and financing. Funds may also be used to provide technical assistance to businesses in the areas of land use, transportation, site location, and manpower training. Matching funds cannot be used for entertainment, capital expenses, hosting, or marketing. Funds granted for economic development projects must be matched by local resources on a dollar-for-dollar basis. Not more than fifty thousand dollars of state matching funds as provided by this section may be used for any one project.

(2) The department shall set aside, within its general fund appropriation, a sum of two hundred thousand dollars per biennium for technical assistance grants to assist community-based organizations in their efforts contributing to the redevelopment and economic well-being of low-income areas.

A maximum of forty percent of the funds set aside for technical assistance purposes provided in this subsection may be made available for technical assistance in organizational and board development to those organizations demonstrating a reasonable probability that such assistance will help them undertake a development project. A minimum of sixty percent of the

funds set aside for technical assistance purposes shall be used for projects which meet the following standards:

(a) Community-based organizations have or will have a minimum ten percent ownership of the development project;

(b) The project is within a low-income area;

(c) The project has provided reasonable assurance that it will conform to all applicable environmental, zoning, and building laws;

(d) The benefits of the project, including the addition or retention of employment and of capital in the low-income area, shall primarily accrue to the residents of the area;

(e) There is a reasonable expectation that the project will be successful, and that the eligible organization and project participants are responsible parties;

(f) Alternative sources, including other agencies or institutions of the state or federal government, have been sought and are either insufficient or unavailable to meet the needs of the project;

(g) The technical assistance to be provided is essential to the success of the project;

(h) Provision has been made for the active participation in the project of residents of the low-income area; and

(i) Provisions have been made for reporting by the eligible organization concerning the manner in which the technical assistance is used on the project and the extent to which it achieves its intended results.

The amount required to be set aside under this section for the biennium ending June 30, 1991, shall be reduced or eliminated if a specific appropriation for the full amount required under this subsection is not made to the department by June 30, 1989.

Grant recipients under this subsection may be community-based organizations or state-wide organizations which provide technical assistance to community-based organizations.

(3) For purposes of subsection (2) of this section, "community-based organization" means:

(a) A nonprofit corporation organized under state law that:

(i) Is organized to operate within a specific substate area;

(ii) Has experience operating programs which directly benefit low-income citizens;

(iii) Has low-income people or representatives of organizations serving the low income on its board of directors.

(b) Any Native American tribal governing body.

NEW SECTION. Sec. 46. A new section is added to chapter 43.63A RCW to read as follows:

LOW-INCOME SELF EMPLOYMENT. The department of community development shall implement a self-employment loan program. The program shall provide grants to local development organizations to use solely in revolving loan funds to finance the small businesses of low-income persons. Grants are to be distributed through a competitive application process to be administered by the department in consultation with an advisory committee. Any organization receiving a grant must: (1) Demonstrate the need for a low-income, self-employment project in its community; (2) demonstrate the capacity of the organization to administer the project; and (3) describe the loan procedure and the self-employment training and support programs into which the loan fund will be incorporated. No grant shall be greater than sixty thousand dollars. An organization may provide loans from the grant award of no greater than five thousand dollars. No more than ten percent of any appropriation to the department for the program may be used by the department for administrative costs."

Remember the sections consecutively and correct internal references accordingly.

Debate ensued.

The President (Senator Nelson presiding) declared the question before the Senate to be the adoption of the amendment by Senators Lee, Anderson and Smitherman on page 18, after line 1, to the Committee on Governmental Operations striking amendment to Engrossed Substitute House Bill No. 2929.

The motion by Senator Lee carried and the amendment to the committee striking amendment was adopted.

MOTION

Senator Bender moved that the following amendment to the Committee on Governmental Operations striking amendment be adopted:

On page 18, after line 1 of the amendment, insert the following:

*NEW SECTION. Sec. 27. The legislature intends to assure that taxpayers are no longer unfairly assessed the costs of development of an area by permitting a fair and equitable portion to be assessed through impact fees. It intends to provide for a better base of funding and for mitigating specifically attributable costs of growth and growth development to the infrastructure of cities, towns, and counties, including but not limited to roads, schools, bridges, parks, and recreational facilities. Such impacts may arise directly or indirectly from the development activity itself or from the cumulative impact arising from development activity.

NEW SECTION. Sec. 28. A new section is added to chapter 36.32 RCW to read as follows:

(1) Cities, towns, and counties may impose an impact fee on all residential and commercial development activities to mitigate the potential impacts on their infrastructures and to finance the impacted city, town, or county infrastructure, including but not limited to schools, roads, libraries, civic centers, parks, and recreational facilities.

(2) To impose the impact fee, cities, towns, and counties shall develop impact fee ordinances that are consistent with their comprehensive plans. A formula or other method of developing the amount of the impact fee shall be established for each type of facility.

(3) Only those cities, towns, and counties that have comprehensive plans may impose impact fees on residential and commercial development.

(4) Nothing in this section shall be construed to give an implied right to develop an area merely because an impact fee has been paid.

Sec. 29. Section 82.02.020, chapter 15, Laws of 1961 as last amended by section 6, chapter 179, Laws of 1988 and RCW 82.02.020 are each amended to read as follows:

Except only as expressly provided in RCW 67.28.180 and 67.28.190 and the provisions of chapter 82.14 RCW, the state preempts the field of imposing taxes upon retail sales of tangible personal property, the use of tangible personal property, parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature. ~~((No county, city, town, or other municipal corporation shall impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land. However:))~~ This section does not preclude dedications of land or easements pursuant to RCW 58.17.110 within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply.

This section does not prohibit voluntary agreements with counties, cities, towns, or other municipal corporations that allow a payment in lieu of a dedication of land or to mitigate a ~~((direct))~~ impact that has been identified as a consequence of a proposed development, subdivision, or plat. ~~((A local government shall not use such voluntary agreements for local off-site transportation improvements within the geographic boundaries of the area or areas covered by an adopted transportation program authorized by chapter 39.92 RCW.))~~ Any such voluntary agreement is subject to the following provisions:

(1) The payments ~~((shall be))~~ or impact fees collected are held in a reserve account and may only be expended to fund a capital improvement ~~((agreed upon by the parties))~~ to mitigate the identified ~~((direct))~~ impact:

(2) The payment shall be expended in all cases within five years of collection; and

(3) Any payment not so expended shall be refunded with interest at the rate applied to judgments to the property owners of record at the time of the refund; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

No county, city, town, or other municipal corporation shall require any payment as part of such a voluntary agreement which the county, city, town, or other municipal corporation cannot establish is reasonably necessary as a direct result of the proposed development or plat.

Nothing in this section prohibits cities, towns, counties, or other municipal corporations from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW.

This section does not limit the existing authority of any county, city, town, or other municipal corporation to impose special assessments on property specifically benefitted thereby in the manner prescribed by law.

Nothing in this section prohibits counties, cities, or towns from imposing or permits counties, cities, or towns to impose water, sewer, natural gas, drainage utility, and drainage system charges: PROVIDED, That no such charge shall exceed the proportionate share of such utility or system's capital costs which the county, city, or town can demonstrate are attributable to the property being charged: PROVIDED FURTHER, That these provisions shall not be interpreted to expand or contract any existing authority of counties, cities, or towns to impose such charges.

Nothing in this section prohibits a transportation benefit district from imposing fees or charges authorized in RCW 36.73.120 nor prohibits the legislative authority of a county, city, or town from approving the imposition of such fees within a transportation benefit district.

Nothing in this section prohibits counties, cities, or towns from imposing transportation impact fees authorized pursuant to chapter 39.92 RCW.

Nothing in this section prohibits the imposition of impact fees or excise taxes on residential or commercial development activity to finance schools or infrastructure facilities as authorized in sections 28 and 29 of this act.

This section does not apply to special purpose districts formed and acting pursuant to Titles 54, 56, 57, or 87 RCW, nor is the authority conferred by these titles affected.

Sec. 30, Section 11, chapter 271, Laws of 1969 ex. sess. as last amended by section 3, chapter 330, Laws of 1989 and RCW 58.17.110 are each amended to read as follows:

(1) The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine: (a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ((ways)), streets or roads, alleys, other public ways, transit stops or stations, potable water supplies and facilities, sanitary wastes and related facilities, parks and recreational facilities, playgrounds, ((sites for)) schools, school facilities, and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school((-and determine)); and (b) whether the public interest will be served by the subdivision and dedication. ((If it finds that the proposed plat makes))

(2) A proposed subdivision and dedication may not be approved unless the city, town, or county legislative body makes a written finding that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ((ways)), streets or roads, alleys, other public ways, transit stops or stations, potable water supplies and facilities, sanitary wastes and related facilities, parks and recreational facilities, playgrounds, ((sites for)) schools, school facilities, and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school((-and that)); and (b) the public use and interest will be served by the ((plating of such)) subdivision((-then it shall be approved. If it finds that the proposed plat does not make such appropriate provisions or that the public use and interest will not be served, then the legislative body may disapprove the proposed plat)) and dedication. Dedication of land to any public body, provision of public facilities, and/or impact fees or excise taxes in lieu of dedications or provision of public facilities, may be required as a condition of subdivision approval and shall be clearly shown on the final plat. The legislative body shall not as a condition to the approval of any ((plat)) subdivision require a release from damages to be procured from other property owners."

Re-number remaining sections consecutively and correct any internal references and index accordingly.

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President (Senator Nelson presiding) declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Bender on page 18, after line 1, to the Committee on Governmental Operations striking amendment to Engrossed Substitute House Bill No. 2929.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 17; nays, 31; excused, 1.

Voting yea: Senators Bender, Conner, DeJarnatt, Fleming, Gaspard, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Rasmussen, Rinehart, Stratton, Talmadge, Williams, Wojahn - 17.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Hansen, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patrick, Patterson, Saling, Sellar, Smith, Smitherman, Sutherland, Thorsness, Vogndild, von Reichbauer, Warnke, West - 31.

Excused: Senator Matson - 1.

MOTIONS

On motion of Senator Anderson, the following amendment by Senators Anderson and McMullen to the Committee on Governmental Operations striking amendment was adopted:

On page 18, after line 10 of the amendment, insert the following:

"Sec. 29, Section 5, chapter 137, Laws of 1974 ex. sess. as last amended by section 47, chapter 36, Laws of 1988 and RCW 76.09.050 are each amended to read as follows:

(1) The board shall establish by rule which forest practices shall be included within each of the following classes:

Class I: Minimal or specific forest practices that have no direct potential for damaging a public resource that may be conducted without submitting an application or a notification;

Class II: Forest practices which have a less than ordinary potential for damaging a public resource that may be conducted without submitting an application and may begin five calendar days, or such lesser time as the department may determine, after written notification by the operator, in the manner, content, and form as prescribed by the department, is received by the department. Class II shall not include forest practices:

(a) On lands platted after January 1, 1960, or being converted to another use;

(b) Which require approvals under the provisions of the hydraulics act. RCW 75.20.100;

(c) Within "shorelines of the state" as defined in RCW 90.58.030; or

(d) Excluded from Class II by the board;

Class III: Forest practices other than those contained in Class I, II, or IV. A Class III application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application;

Class IV: Forest practices other than those contained in Class I or II: (a) On lands platted after January 1, 1960, (b) on lands being converted to another use, (c) on lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development, and/or (d) which have a potential for a substantial impact on the environment and therefore require an evaluation by the department as to whether or not a detailed statement must be prepared pursuant to the state environmental policy act, chapter 43.21C RCW. Such evaluation shall be made within ten days from the date the department receives the application: PROVIDED, That nothing herein shall be construed to prevent any local or regional governmental entity from determining that a detailed statement must be prepared for an action pursuant to a Class IV forest practice taken by that governmental entity concerning the land on which forest practices will be conducted. A Class IV application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application, unless the department determines that a detailed statement must be made, in which case the application must be approved or disapproved by the department within sixty calendar days from the date the department receives the application, unless the commissioner of public lands, through the promulgation of a formal order, determines that the process cannot be completed within such period.

Forest practices under Classes I, II, and III are exempt from the requirements for preparation of a detailed statement under the state environmental policy act.

(2) No Class II, Class III, or Class IV forest practice shall be commenced or continued after January 1, 1975, unless the department has received a notification with regard to a Class II forest practice or approved an application with regard to a Class III or Class IV forest practice containing all information required by RCW 76.09.060 as now or hereafter amended: PROVIDED, That any person commencing a forest practice during 1974 may continue such forest practice until April 1, 1975, if such person has submitted an application to the department prior to January 1, 1975: PROVIDED, FURTHER, That in the event forest practices regulations necessary for the scheduled implementation of this chapter and RCW 90.48.420 have not been adopted in time to meet such schedules, the department shall have the authority to regulate forest practices and approve applications on such terms and conditions consistent with this chapter and RCW 90.48.420 and the purposes and policies of RCW 76.09.010 until applicable forest practices regulations are in effect.

(3) If a notification or application is delivered in person to the department by the operator or his agent, the department shall immediately provide a dated receipt thereof. In all other cases, the department shall immediately mail a dated receipt to the operator.

(4) Forest practices shall be conducted in accordance with the forest practices regulations, orders and directives as authorized by this chapter or the forest practices regulations, and the terms and conditions of any approved applications.

(5) The department of natural resources shall notify the applicant in writing of either its approval of the application or its disapproval of the application and the specific manner in which the application fails to comply with the provisions of this section or with the forest practices regulations. Except as provided otherwise in this section, if the department fails to either approve or disapprove an application or any portion thereof within the applicable time limit, the application shall be deemed approved and the operation may be commenced: PROVIDED, That this provision shall not apply to applications which are neither approved nor disapproved pursuant to the provisions of subsection (7) of this section: PROVIDED, FURTHER, That if seasonal field conditions prevent the department from being able to properly evaluate the application, the department may issue an approval conditional upon further review within sixty days: PROVIDED, FURTHER, That the department shall have until April 1, 1975, to approve or disapprove an application involving forest practices allowed to continue to April 1, 1975, under the provisions of subsection (2) of this section. Upon receipt of any notification or any satisfactorily completed application the department shall in any event no later than two business days after such receipt transmit a copy to the departments of ecology, wildlife, and fisheries, and to the county ~~(in which)~~, city, or town in whose jurisdiction the forest practice is to be commenced. Any comments by such agencies shall be directed to the department of natural resources.

(6) If the county, city, or town believes that an application is inconsistent with this chapter, the forest practices regulations, or any local authority consistent with RCW 76.09.240 as now or hereafter amended, it may so notify the department and the applicant, specifying its objections.

(7) The department shall not approve portions of applications to which a county, city, or town objects if:

(a) The department receives written notice from the county, city, or town of such objections within fourteen business days from the time of transmittal of the application to the county, city, or town, or one day before the department acts on the application, whichever is later; and

(b) The objections relate to lands either:

(i) Platted after January 1, 1960; or

(ii) Being converted to another use.

The department shall either disapprove those portions of such application or appeal the county, city, or town objections to the appeals board. If the objections related to subparagraphs (b) (i) and (ii) of this subsection are based on local authority consistent with RCW 76.09.240 as now or hereafter amended, the department shall disapprove the application until such time as the county, city, or town consents to its approval or such disapproval is reversed on appeal. The applicant shall be a party to all department appeals of county, city, or town objections. Unless the county, city, or town either consents or has waived its rights under this subsection, the department shall not approve portions of an application affecting such lands until the minimum time for county, city, or town objections has expired.

(8) In addition to any rights under the above paragraph, the county, city, or town may appeal any department approval of an application with respect to any lands within its jurisdiction. The appeals board may suspend the department's approval in whole or in part pending such appeal where there exists potential for immediate and material damage to a public resource.

(9) Appeals under this section shall be made to the appeals board in the manner and time provided in RCW 76.09.220(8). In such appeals there shall be no presumption of correctness of either the county, city, or town or the department position.

(10) The department shall, within four business days notify the county, city, or town of all notifications, approvals, and disapprovals of an application affecting lands within the county, city, or town, except to the extent the county, city, or town has waived its right to such notice.

(11) A county, city, or town may waive in whole or in part its rights under this section, and may withdraw or modify any such waiver, at any time by written notice to the department.

Sec. 30. Section 6, chapter 137, Laws of 1974 ex. sess. as amended by section 3, chapter 200, Laws of 1975 1st ex. sess. and RCW 76.09.060 are each amended to read as follows:

(1) The department shall prescribe the form and contents of the notification and application. The forest practices regulations shall specify by whom and under what conditions the notification and application shall be signed. The application or notification shall be delivered in person or sent by certified mail to the department. The information required may include, but shall not be limited to:

(a) Name and address of the forest land owner, timber owner, and operator;

(b) Description of the proposed forest practice or practices to be conducted;

(c) Legal description of the land on which the forest practices are to be conducted;

(d) Planimetric and topographic maps showing location and size of all lakes and streams and other public waters in and immediately adjacent to the operating area and showing all existing and proposed roads and major tractor roads;

(e) Description of the silvicultural, harvesting, or other forest practice methods to be used, including the type of equipment to be used and materials to be applied;

(f) Proposed plan for reforestation and for any revegetation necessary to reduce erosion potential from roadsides and yarding roads, as required by the forest practices regulations;

(g) Soil, geological, and hydrological data with respect to forest practices;

(h) The expected dates of commencement and completion of all forest practices specified in the application;

(i) Provisions for continuing maintenance of roads and other construction or other measures necessary to afford protection to public resources; and

(j) An affirmation that the statements contained in the notification or application are true.

(2) At the option of the applicant, the application or notification may be submitted to cover a single forest practice or any number of forest practices within reasonable geographic or political boundaries as specified by the department. Long range plans may be submitted to the department for review and consultation.

(3) The application shall indicate whether any land covered by the application will be converted or is intended to be converted to a use other than commercial timber production within three years after completion of the forest practices described in it.

(a) If the application states that any such land will be or is intended to be so converted:

(i) The reforestation requirements of this chapter and of the forest practices regulations shall not apply if the land is in fact so converted unless applicable alternatives or limitations are provided in forest practices regulations issued under RCW 76.09.070 as now or hereafter amended;

(ii) Completion of such forest practice operations shall be deemed conversion of the lands to another use for purposes of chapters 84.28, 84.33, and 84.34 RCW unless the conversion is to a use permitted under a current use tax agreement permitted under chapter 84.34 RCW;

(iii) The forest practices described in the application are subject to applicable county, city, town, and regional governmental authority permitted under RCW 76.09.240 as now or hereafter amended as well as the forest practices regulations.

(b) If the application does not state that any land covered by the application will be or is intended to be so converted:

(i) For six years after the date of the application the county (~~or~~), city, town, and regional governmental entities may deny any or all applications for permits or approvals, including building permits and subdivision approvals, relating to nonforestry uses of land subject to the application;

(ii) Failure to comply with the reforestation requirements contained in any final order or decision shall constitute a removal from classification under the provisions of RCW 84.28.065, a removal of designation under the provisions of RCW 84.33.140, and a change of use under the provisions of RCW 84.34.080, and, if applicable, shall subject such lands to the payments and/or penalties resulting from such removals or changes; and

(iii) Conversion to a use other than commercial timber operations within three years after completion of the forest practices without the consent of the county (~~or municipality~~), city, or town shall constitute a violation of each of the county, municipal city, town, and regional authorities to which the forest practice operations would have been subject if the application had so stated.

(c) The application shall be either signed by the land owner or accompanied by a statement signed by the land owner indicating his or her intent with respect to conversion and acknowledging that he or she is familiar with the effects of this subsection.

(4) Whenever an approved application authorizes a forest practice which, because of soil condition, proximity to a water course or other unusual factor, has a potential for causing material damage to a public resource, as determined by the department, the applicant shall, when requested on the approved application, notify the department two days before the commencement of actual operations.

(5) Before the operator commences any forest practice in a manner or to an extent significantly different from that described in a previously approved application or notification, there shall be submitted to the department a new application or notification form in the manner set forth in this section.

(6) The notification to or the approval given by the department to an application to conduct a forest practice shall be effective for a term of one year from the date of approval or notification and shall not be renewed unless a new application is filed and approved or a new notification has been filed.

(7) Notwithstanding any other provision of this section, no prior application or notification shall be required for any emergency forest practice necessitated by fire, flood, windstorm, earthquake, or other emergency as defined by the board, but the operator shall submit an application or notification, whichever is applicable, to the department within forty-eight hours after commencement of such practice."

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

Senator Lee moved that the following amendment to the Committee on Governmental Operations striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. LEGISLATIVE FINDINGS AND INTENT. The state of Washington's natural environment is distinguished by a beauty, richness, and diversity which is the foundation of its economy, its quality of life and its spirit. Our neighborhoods and communities provide support for a stable, just, and enjoyable quality of life. These endowments are threatened by the consequences of unplanned growth, which results in the disappearance of its productive farm and forest lands, the decline of fish production, the fouling of its air and waters, the destruction of ecological diversity, the wasteful and uncoordinated provision of roads, sewers, water, and other services to sprawling development, the destabilization of established neighborhoods and communities, and divisive conflicts over the proper use of land and the future of our communities. These conflicts have revealed the lack of common goals which express the public's interest in the wise conservation and planned development of our lands. It is the intent of the legislature to remedy these problems by adopting state land use planning goals expressing our common policies, and creating a fair and open planning process that will allow citizens and local governments to find the means best adapted to their circumstances for achieving these state policies in local land use plans and implementing regulations.

The legislature finds that many of Washington's urban and suburban neighborhoods and communities are characterized by affordable housing stock which are compatible with available municipal services and transportation systems. These neighborhoods are threatened by redevelopment which would substitute greater densities of less affordable housing and which would overtax existing municipal services and transportation systems, ultimately resulting in overcrowded conditions and a reduction in value as well as quality of life. It is the intent of the legislature to foster stability in such neighborhoods and communities by affirmatively regulating direct development, including redevelopment within the state.

It is the intent of the legislature to deal with land use on a state-wide policy basis by initially focusing on the impacts of disproportionate population and employment pressure; the prevention of urban sprawl; the preservation of agricultural lands, forest lands, environmentally sensitive lands, aquatic resource lands, and other valuable resource lands; the restoration of lands which have suffered undue damage; the promotion of economic growth in regions lacking adequate growth, and the preservation of the character of existing communities. It is further the intent of the legislature to maintain an adequate renewable resource base while at the same time to protect the natural resources and environment of this state and to facilitate orderly and well planned development.

NEW SECTION, Sec. 2. DEFINITIONS. The terms defined in this section shall have the meanings indicated when used in this chapter, unless the context requires otherwise.

(1) "Agricultural land" means either (a) land which contains soils classified as prime and unique farm lands by the United States soils conservation service, or (b) land which has been (i) devoted primarily to the production of livestock or agricultural commodities for commercial purposes, or (ii) enrolled in the federal conservation reserve program or its successor administered by the United States department of agriculture. Land satisfying this definition shall exist in a contiguous parcel of at least eighty acres, but not necessarily under single ownership. Lands not satisfying this definition but contiguous to and under the same ownership as lands that do satisfy this definition, shall be considered agricultural lands for all purposes.

(2) "Forest lands" means land in public or private ownership whose natural features, including soils, topography, and climate are suited to commercial forest production, or where the predominant land use is forest production. Land satisfying this definition lies in a contiguous parcel of at least eighty acres, but not necessarily under single ownership. Lands not satisfying either this definition or the definition of agricultural land that are contiguous to and under the same ownership as lands that do satisfy this definition, shall be considered forest lands for all purposes.

(3) "Local government" means any city, town, or optional municipal code city, county, charter county, and charter city.

(4) "Commission" means the commission of land planning.

(5) "Comprehensive plan" means a generalized coordinated statement of a government body adopted pursuant to this chapter.

(6) "Development regulations" means any city, county, or regional controls placed on development or land use activities including, but not limited to, zoning ordinances, planned unit development ordinances, and subdivision ordinances.

(7) "Land" means the land, air, and water within the jurisdiction of the state of Washington or its cities or counties.

(8) "Special district" means a local unit of government, other than a city, county, or regional organization, authorized and regulated by statute to perform a single function or a limited number of functions, and includes, but is not limited to, water districts, irrigation districts, port districts, fire districts, school districts, community college districts, public hospital districts, sewer districts, public utility districts, transportation districts, and metropolitan municipal corporations organized under chapter 35.58 RCW.

(9) "Urban use" refers to the use of land for manufacturing and assembly, warehouses, offices, wholesale and retail sales and residential at greater than one dwelling unit per two and one-half acres, and residential uses dependent upon municipal sewage treatment. Residential, office, wholesale and retail sales, and product preparation solely incidental to the use of land for agricultural, forestry, mineral production, recreational, and fish and shellfish preparations shall not be considered as urban uses.

(10) "Urban growth" refers to that growth which makes intensive use of the land for the location of buildings, structures, impermeable surfaces, population densities to such a degree as to be incompatible with the primary use of such land for public recreation; or the production of foods, fibers, or mineral resources; or the protection and retention of lands which have importance for fish habitat and propagation, threatened or endangered species, wildlife corridors; or environmentally sensitive lands. When allowed to spread over wide areas, it typically requires urban governmental services.

(11) "Characterized by urban growth" refers to land which has urban growth located thereon, or to land which is so located in relationship to an area with urban growth as to be appropriate for urban growth.

(12) "Urban governmental services" include those governmental services historically and typically delivered by cities. The services include sewer services, water services, street cleaning services, fire and police protection services, public transportation, street lighting services, and other public utilities associated with urban areas and not normally associated with nonurban areas.

(13) "Community plans" means comprehensive localized plans for subareas of a county or city with a natural or artificial geographic identity as a neighborhood or community. Such plans are required to meet the state land use planning goals and may be required to meet other municipal or county objectives, but the specific content of the plans, including the map of land uses and future uses, is substantially completed and agreed to by the citizens residing

within the geographic area of the neighborhood or community in question. There is no presumption of strict representation in a community plan process, though a demonstration of broad public support from the neighborhood or community may be required before such plans are approved by the municipal or county government.

(14) "Natural carrying capacity" means the amount of population or development beyond which the resources systems such as potable water, watersheds, forests, air, perkable soils, waste management systems, etc. are unable to sustain and recharge themselves without artificial assistance.

NEW SECTION, Sec. 3. LAND PLANNING COMMISSION. (1) There is hereby established within the office of the governor the commission of land planning which shall consist of nine members, appointed by the governor. In making appointments under this section, the governor shall select from residents of this state one member from each congressional district. No more than two members shall come from any county. Each appointee shall have demonstrated a commitment to protecting the environmental heritage of Washington. Initial appointments shall be made within four weeks of the effective date of this act.

(2) Except for the first members appointed to the commission, each member shall serve a term of four years. Of the members first appointed to the commission: (a) Two shall serve for a term ending June 30, 1991; (b) two shall serve for a term ending June 30, 1992; (c) three shall serve for a term ending June 30, 1993; and (d) two shall serve for a term ending June 30, 1994. No member shall serve more than eight years on the commission, or in the case of elected officials, beyond the terms of their office. A commission member may be removed by the governor, but only for cause. The governor shall appoint a person to fill a vacancy on the commission and such appointed person shall, subject to senate confirmation, serve for the remainder of the predecessor's unexpired term.

(3)(a) Members of the commission shall have a demonstrated commitment to preserving and enhancing Washington's environmental heritage; the fair, prompt and impartial execution of this statute; and upholding the public interest.

(b) No member of the commission shall have a financial conflict of interest which interferes, or which might reasonably be expected to interfere, with execution of their statutory responsibilities. Any member with a conflict of interest in any action shall excuse himself or herself from all participation on that issue.

(c) No more than two commissioners may receive any substantial part of his or her income from the sale or development of real property, whether this income is in the form of salaries or return on investment, and whether the income is deferred to or accrued at a later time. The income from spouses, children, or parents used to pay for the living expenses of the commission member is considered the commissioner's income for the purposes of this section.

(d) The courts shall construe (b) and (c) of this subsection so as to assure the public's confidence in the impartiality of the commission.

(4) Commission members shall be subject to recall as provided in this subsection:

(a) Recall of commissioners may be initiated by any legal voter of the state either individually or on behalf of an organization on the basis of any cause by filing a recall petition request with the secretary of state. The secretary of state shall provide the sponsor with a petition certification. The sponsor shall have a maximum of two hundred seventy days in which to obtain and file supporting signatures from the date of certification.

(b) The petition shall be in the form specified in RCW 29.82.030 except that no statement of cause or particular charges shall be included.

(c) The number of signatures required for placing the recall petition on the ballot shall be equal to ten percent of the total number of votes cast for all candidates for position 1 of the supreme court in the most recent election. Verification and canvassing of the petitions shall be in the manner established in RCW 29.82.090. If, at the conclusion of the verification and canvassing, it is found that the petition bears the required number of signatures, the secretary of state shall promptly certify the petition as sufficient and place the recall measure on the ballot of the next general election. The ballot shall be in the following form:

RECALL BALLOT

FOR the recall of (here insert the name of Commissioner).

AGAINST the recall of (here insert the name of Commissioner).

If a majority of all votes cast at the election is for the recall of the commissioner, the commissioner shall be recalled and discharged from the commission.

(d) The provisions of RCW 29.82.170 relating to crimes by petition signers shall apply to signers of recall petitions authorized by this section.

(e) Every person is guilty of a gross misdemeanor who:

(i) For any consideration signs or declines to sign any recall petition; or

(ii) By any corrupt practice or by threats or intimidation interferes with or attempts to interfere with the right of any legal voter to sign or not to sign any recall petition or to vote for or against any recall.

NEW SECTION, Sec. 4. COMMISSION COMPENSATION AND STAFF. (1) The compensation of members of the commission shall be established by the governor. The travel expense provisions of RCW 43.03.050 and 43.03.060 shall apply to the commission but the term "designated

posts of duty" or "designated post of duty" as used in such provisions shall mean, when applied to commission members, the place in which they regularly reside.

(2) The commission shall hire staff sufficient to allow the commission to carry out its responsibilities in a timely and professional manner. In addition, each commission member may hire an individual staff person using funds allocated to the commission by this chapter.

NEW SECTION. Sec. 5. COMMISSION OFFICERS, SELECTION—QUORUM. (1) The commission shall select one of its members as chairperson and another member as vice-chairperson, for such terms and with duties and powers necessary for the performance of the functions of such offices as the commission determines. The vice-chairperson of the commission shall act as the chairperson of the commission in the absence of the chairperson.

(2) A majority of the members of the commission constitutes a quorum for the transaction of business.

(3) For purposes of reviewing local comprehensive plans and plan amendments, the commission shall sit in two panels, one panel made up of commissioners selected from districts east of the Cascade mountains and a second panel made up of commissioners selected from districts west of the Cascade mountains. Each panel shall review the comprehensive plans and plan amendments submitted from the local governments within the districts represented on that panel.

NEW SECTION. Sec. 6. COMMISSION AUTHORITY AND DUTIES. (1) The commission may exercise the following powers in addition to any other powers granted by law or this chapter:

(a) Examine the effectiveness and adequacy of the planning process established by this chapter;

(b) Study and report to the legislature on the need for new legislation to carry out the purposes of this chapter;

(c) Adopt a standardized system for the scale and display of comprehensive land use maps such that members of the commission, their staff, and citizens from different jurisdictions around the state can understand their local plans;

(d) Determine whether actions and programs of state agencies conform with the state-wide planning goals and are compatible with city and county comprehensive plans;

(e) Provide for periodic and objective evaluation of the performance of local governments, special districts, and state agencies in adopting and implementing comprehensive plans which are effective in carrying out the state's land use policies;

(f) Review and comment on all aspects of land use planning;

(g) Accept, receive, disburse, and administer grants or other funds or gifts from any source, including private individuals or agencies, the federal government, and other public agencies for the purposes of carrying out the provisions of this chapter; and

(h) Contract for the services of professional persons or organizations, or contract with any public agency, for the performance of services or the exchange of employees or services.

(2) The commission shall:

(a) Prepare, collect, provide, or cause to be prepared, collected, or provided state-wide land use inventories;

(b) Provide technical and financial assistance, a resource center with model plans and implementation strategies, and other support to local governments in the development and implementation of comprehensive land use plans, including information on innovative implementing regulations such as transferable development rights. Local governments engaged in joint or regional planning shall receive priority handling of their grant applications;

(c) Provide technical assistance to state agencies in developing functional plans and planning processes which conform to the legislatively adopted policy goals;

(d) Provide for the creation of a common data base which records the date, type, and location of land use decisions made by local governments in order to assist in the periodic evaluation of the effectiveness of the state's planning program;

(e) Establish dispute resolution systems for use by state agencies, local governments, special districts, and citizens;

(f) Adopt rules necessary to implement the state-wide planning goals identified in section 9 of this act within eight months of the effective date of this act. These rules shall contain numeric standards to provide clear and objective direction to local governments and state agencies as to how they should implement the state-wide planning goals.

(g) Adopt rules that establish procedures and standards for the preparation, review, adoption, and implementation of comprehensive plans within eight months of the effective date of this act;

(h) Represent this state before any agency of this state, any other state, or the United States with respect to land conservation and development within this state;

(i) Appoint advisory committees to aid it in carrying out its duties, including a state citizen advisory committee, broadly representative of the geographic areas of the state;

(j) Ensure widespread citizen involvement and input in all phases of the exercise of the commission's authority including holding hearings in the locales affected by its decisions, and developing models for information and planning processes by which neighborhood, city, county, region, and state plans can be substantially derived from citizen input, and by making

grants to public interest organizations to assure public participation in the implementation and enforcement of this chapter:

(k) Review all comprehensive plans and plan amendments prepared under this chapter for purposes of determining compliance with state-wide goals as set forth in sections 3 and 9 of this act;

(l) Advise other state agencies regarding actions necessary for implementation of and compliance with this chapter;

(m) Collect and inventory data describing land uses, demographics, infrastructure, environmentally sensitive areas, transportation corridors, physical features, housing, and other information useful in managing growth throughout the state.

(3) Prior to the end of each even-numbered year, the commission shall prepare a written report for submission to the legislature describing activities and accomplishments of the commission, state agencies, local governments, and special districts in carrying out the provisions of this chapter. A draft of the report shall be submitted to the appropriate standing legislative committees for their review and comment at least sixty days prior to submission of the report to the legislature. Timely comments and recommendations of the standing legislative committees shall be addressed in the final report.

NEW SECTION. Sec. 7. LAND PLANNING ACCOUNT. (1) There is established in the general fund in the state treasury the land planning account. Moneys in the account may be continuously appropriated for carrying out the purposes of this chapter.

(2) All fees, moneys, and other revenue received by the department or the commission shall be deposited in the land planning account.

NEW SECTION. Sec. 8. NATURAL HERITAGE LANDS. (1) Natural heritage lands shall consist of all lands identified pursuant to subsection (2) or (4) of this section.

(2) The legislature may create heritage lands by approving or modifying a recommendation made by the commission. The commission shall recommend to the legislature lands for natural heritage designation upon finding that the lands possess qualities identified with the natural heritage of Washington state. At a minimum, within one year of the effective date of this act, the commission shall make recommendations regarding the following lands:

(a) Nisqually Delta;

(b) Skagit Flats;

(c) Vancouver Lake lowlands;

(d) Dishman Hills; and

(e) Forest lands in state or private ownership contiguous or proximate to lands managed by the United States forest service or United States park service which are used or can reasonably be used for commercial wood fiber production.

(3) The commission's recommendations shall specify:

(a) The boundary of the area;

(b) The reasons for the requested designation; and

(c) The goals to be served by a management plan.

Upon the legislature's designation of natural heritage lands, the commission shall develop and adopt a management plan.

(4) (a) Natural heritage lands may be designated by the commission upon passage of an ordinance at the local level requesting such a designation. The ordinance shall specify:

(i) The boundary of the area;

(ii) The reasons for the requested designation; and

(iii) The goals to be served by a management plan.

(b) Within sixty days of receipt of an ordinance meeting the requirements of subsection (1) of this section, the commission shall determine whether there is a need for a management plan in order to protect the designated lands. Within six months of such a determination, the commission shall develop and adopt a management plan.

(5) Management plans developed and adopted pursuant to subsections (2) and (4) of this section shall be consistent with the goals identified in the nomination. For forest lands designated pursuant to subsection (2)(e) of this section, the plan shall include a prohibition on subdividing into lots smaller than one hundred sixty acres, and shall allow as a permitted use commercial forestry activity consistent with other laws. The commission's process for developing a management plan shall be consistent with the public participation goals of this chapter and shall include at a minimum at least two public hearings in the vicinity of the designated lands.

(6) Land uses and land activities within natural heritage lands and governmental decisions directly affecting those lands shall be consistent with the purposes for which the lands were designated.

NEW SECTION. Sec. 9. DECLARATION OF STATE LAND USE PLANNING GOALS. In order to assure the highest quality of life in Washington, land use decisions and regulation by state agencies, counties, cities, metropolitan corporations, special districts, and other local jurisdictions shall conform with the following goals and policies:

(1) State-wide planning goals:

(a) Land use: To provide for the efficient use of our state's land base and for coordinated land use planning and development;

(b) Economic development: To promote beneficial economic growth and development within the capacities of the state's natural resources and its public services and facilities;

(c) Conservation: To prevent further loss of agricultural, forest, environmentally sensitive, and wildlife habitat lands and to protect and improve water and air quality;

(d) Local community protection: To preserve and protect existing residential and business communities from incompatible uses and density of development;

(e) Transportation: To promote efficient transportation that relieves congestion and is consistent with state land use goals;

(f) Housing: To provide for adequate housing at reasonable cost in all cities and counties;

(g) Public services: To provide adequate services at reasonable costs;

(h) Historic preservation: To preserve and enhance historic, cultural, and archaeological sites and districts;

(i) Recreation and open space: To preserve and enhance the public's access to both public and private recreation and open space lands;

(j) Planning process: To require the enactment by all local jurisdictions of comprehensive plans, that the plans have regulatory effect, and that the plans be adopted and implemented with full public participation.

(2) The state land use planning goals set forth in subsection (1) of this section are further refined as follows:

(a) Land use goals:

(i) Prevent sprawl by defining urban growth boundaries and providing open space and low-density rural development at the perimeter of urban areas;

(ii) Protect, and restore where possible, and mitigate where protection is impossible, functioning natural ecosystems and environmentally sensitive lands;

(iii) Retain and increase recreational and open space lands in urban areas;

(iv) Protect natural heritage lands of state-wide significance;

(v) Preserve "productive forest lands";

(vi) Preserve "productive crop and grazing lands";

(vii) Phase out uses which do not conform with applicable comprehensive plans;

(viii) Ensure that land use development is consistent with existing local community character and/or community plans;

(ix) Assure that major public facilities are located to reduce impacts on existing neighborhoods and environmentally sensitive lands and are spread equitably throughout communities and the state;

(x) Protect property from unconstitutional taking;

(xi) Assure a balance between local employment and housing mix and capacity;

(xii) Locate and design employment and housing in a manner that supports transit and reduces reliance on single-occupancy vehicles; and

(xiii) Phase increases in allowable intensity of development in accordance with actual growth.

(b) Economic development goals:

(i) Permit only that development which is consistent with and promotes the land use goals of this chapter, and will not create a need for unplanned upgrading or increase in public service or transportation systems;

(ii) Designate in each comprehensive plan lands that are ready for development;

(iii) Provide for reuse of existing commercial and industrial areas in preference to abandonment of such areas and/or establishment of alternate areas;

(iv) Provide for a predictable, efficient development approval process;

(v) Prohibit development which requires or encourages urbanization of lands not designated for urban use in the comprehensive plan;

(vi) To the extent consistent with the protection of open space and environmentally sensitive lands, require in-filling of existing urbanized areas with available public service and facility capacity prior to developing lands identified for future urban growth;

(vii) Encourage development in areas of the state which are not affected by excessive growth;

(viii) Nurture an economy which is sustainable and not dependent on converting our remaining natural resource lands and open space to urban uses;

(ix) Encourage the use of productive forests and farms by allowing the utilization of prudent silviculture and agricultural practices without interference by other uses; by protecting such lands from intrusion by others; and by assuring that adjacent uses are compatible with active forestry and agricultural practices;

(x) Assure that future development will not degrade public services and transportation systems, taking into consideration the age and condition of existing services and facilities; and

(xi) When allowing additional development in urban areas, identify areas where public services and transportation systems are overburdened, and encourage development in those areas where public services and transportation systems are underutilized.

(c) Conservation goals:

(i) Use water resources in an efficient manner consistent with the public interest, and with the land use goals of this chapter:

(ii) Provide for the conservation and wise use of energy, mineral, and other natural resources;

(iii) Protect and improve air and water quality;

(iv) Conserve, protect, and use wisely environmentally sensitive lands;

(v) Conserve and restore fish and wildlife habitat, including riparian and migration corridors, to prevent loss of native fauna and flora and to assure bountiful and diverse wildlife for generations to come;

(vi) Manage surface waters for the protection of stream channels and water quality from altered runoff patterns and, particularly, storms; and

(vii) Prevent overburdening of the optimal carrying capacity of the local environmental resource systems such as soil, biological production, diversity, fresh and salt waters, air quality, food, health, and power supplies.

(d) Neighborhood community protection goals:

(i) Protect existing residential neighborhoods and business communities from development which is not reasonably consistent with the height, bulk, and scale of existing residential and business use or with the intent of community plans;

(ii) Promote stability of existing neighborhoods and limit the rate and nature of change in established neighborhoods unless a clear showing of public need has been made;

(iii) Promote the preservation and rehabilitation of existing housing stock in preference to its demolition and redevelopment;

(iv) Promote economic vitality and diversity of existing community business districts;

(v) Encourage and protect local pedestrian environments;

(vi) Ensure that the integrity of existing neighborhoods is maintained by avoiding development which will overload capacity of existing neighborhood service and transportation systems; and

(vii) Promote aesthetically pleasing design of development or redevelopment that enhances the character of the community or neighborhood.

(e) Transportation goals:

(i) Provide only transportation systems which are consistent with and promote the land use plans of this chapter;

(ii) Promote conservation and efficiency to minimize demand for motorized transportation;

(iii) Develop transportation systems which relieve traffic congestion, minimize pollution, and promote mobility of people and goods;

(iv) Give priority to mass transit, pedestrians, and nonmotorized transportation systems;

(v) Protect and coordinate existing and future rights of way and corridors for mass transit, carpools, pedestrians, and nonmotorized transportation;

(vi) Provide sound fiscal policies to fund the development of transportation systems in a timely and efficient manner;

(vii) Assure that future development bears a reasonable, and in most cases proportionate, share of the cost of transportation improvements necessitated by that development, to maintain the level of service standards established by comprehensive plans;

(viii) Provide for regional review and approval of regional transportation facilities such as airports and rail systems; and

(ix) Assure that transportation facilities are available concurrently with the impacts of land use development.

(f) Housing goals:

(i) Provide adequate and affordable housing for the existing population, anticipated population growth, and households with special housing needs;

(ii) Provide for rehabilitation of substandard housing to create additional affordable housing;

(iii) Provide for a fair share distribution of affordable housing including low and moderate income housing, multifamily housing and manufactured housing; and

(iv) Provide for retention of existing stocks of affordable housing, particularly low-income housing, and housing in stable neighborhoods, in preference to their demolition and replacement with other uses and housing types.

(g) Public service goals:

(i) Provide state and local governmental services ("public services") in a manner that is consistent with and promotes the land use goals of this chapter;

(ii) Utilize conservation and efficiency to minimize demand for sewer, water, electricity, solid waste disposal, fire and police protection, schools, and other public services;

(iii) Assure the timely and efficient provision of public services for new development;

(iv) Provide adequate funding for public services by assuring that proposed developments bear a reasonable and proportionate share of the cost of new public services necessitated by the development, to maintain levels of service standards established within comprehensive plans;

(v) Assure the public services and facilities are available concurrently with the impacts of land use development; and

(vi) Provide for equitable distribution of public services.

(h) Historic, archaeological, and cultural preservation goals: Identify and encourage preservation and, if appropriate, adoptive reuse, of lands, structures, and sites which have historic, aesthetic, archaeological, and/or cultural significance in preference to demolition, redevelopment, and inappropriate reuse.

(i) Recreation and open space goals:

(1) Ensure both public and private open space is provided to supply wildlife habitat and migration corridors, to protect public health and safety, and to enhance the quality of the urban environment;

(ii) Ensure public access to areas traditionally open for public use, including recreation sites, public viewpoints, and the waters and shorelines including, but not limited to, lakes, rivers, streams, and marine waters; and

(iii) Ensure that adequate parks and recreation facilities sized to accommodate anticipated growth and demand are provided prospectively or concurrently with approval of development that will increase demand.

(j) Planning process and goals:

(1) Assure that all agencies of the state and local units of government plan in accordance with the goals of this chapter;

(ii) Provide for adequate funding of local planning processes;

(iii) Establish procedures for citizen participation throughout the planning process, including early and adequate opportunity for review of inventories, plans, and proposals, submission of comments, examination of documents and persons relevant to a particular inventory, proposal, or project, and establishment of a procedure which will guarantee that citizen comments are made part of the record and given substantive weight in all planning processes;

(iv) Develop a simple planning process, and require plans and supporting studies to be written in plain language, to allow maximum citizen participation with minimum need for attorneys and experts, and make the assumptions behind the planning available to the public;

(v) Base the comprehensive plans on supportable and specific rate-of-growth assumptions including numerical level-of-service standards and projected population-to-service need ratios;

(vi) Develop phasing mechanisms to encourage compact growth patterns over the life of the comprehensive plan;

(vii) Develop regional, multicounty plans which address the needs for and siting of major regional facilities such as airports, sewage treatment plants, correctional institutions and landfills; and

(viii) Assure that decisions are made by persons who do not have and who do not present the appearance of having an economic conflict of interest or bias.

NEW SECTION. Sec. 10. PLANNING RESPONSIBILITIES OF CITIES, COUNTIES, AND PORT DISTRICTS. (1) Local governments and port districts shall exercise their responsibilities, including the issuance of all land use permits, subdivision approvals, rezonings, and plan amendments, city or special district boundary changes, the annexations of unincorporated territory, the incorporation of new cities, the formation, change, or annexation to any special district, and the development of capital budgets in accordance with this chapter and its goals, the rules adopted by the commission to implement this chapter and its goals and all applicable comprehensive plans, including the comprehensive plans of other jurisdictions which may be impacted by the proposed action implementing the provisions of this chapter.

(2) Within six months of the effective date of this act, each local government shall develop ten and twenty-year population, housing, and employment goals for all lands within the local government.

(3) Each local government in this state shall:

(a) Prepare, adopt, amend, and revise comprehensive plans in compliance with the goals established by this chapter, and as further defined by the commission;

(b) Make land use and capital budget decisions in compliance with the goals established by this chapter and the commission in the event that its comprehensive plan and land use regulations have not been approved by the commission;

(c) Make land use and capital budget decisions in compliance with the approved plan and land use regulations in the event that its comprehensive plan and land use regulations have been approved by the commission; and

(d) Collect and provide to the commission data specified in the commission's rules.

(4) Each local government shall enact regulations fully implementing its comprehensive plans. The regulations shall include:

(a) A prohibition on new development which would cause public services, transportation or recreation facilities to fall below the level of service standards established by the local government in its comprehensive plan; and

(b) Provisions which protect and create incentives for the continuation of prudent commercial forestry and agricultural practices in appropriate rural areas.

NEW SECTION. Sec. 11. COMPREHENSIVE PLANS—PUBLIC PARTICIPATION. (1) Each local government shall establish procedures providing for early and continuous public participation in the development of inventories, comprehensive land use plans, and general ordinances implementing such plans and in the development of amendments to such plans or ordinances. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. Each local government shall establish advisory committees to assist in carrying out its responsibilities under this chapter.

(2) Cities with a population larger than one hundred thousand shall develop community plans covering subareas of the city, the boundaries of which shall be determined by the legislative authority after a thorough public process, including open public hearings with adequate advance public notice. The community plans shall be integrated and reconciled with one another so that the city's comprehensive plan meets the requirements of sections 9, 11, and 12 of this act. Implementing acts of this statute shall ensure that neighborhoods are fully aware of city-wide goals and objectives prior to completing their plans.

NEW SECTION. Sec. 12. COMPREHENSIVE PLAN—INTERGOVERNMENTAL COORDINATION. Local governments and port districts may develop joint or regional plans, and may apply for funds from the land planning account and/or establish regional planning agencies for that purpose. All joint and regional plans shall meet all the substantive and procedural requirements for comprehensive plans established by this chapter. If joint or regional plans are not developed, local governments and port districts shall be encouraged to utilize the commission's dispute resolution procedures for purposes of developing consistency between and among their comprehensive plans.

NEW SECTION. Sec. 13. COMPREHENSIVE PLAN REQUIREMENTS. Within three years after the effective date of this act, each local government shall have adopted a comprehensive land use plan and shall have furnished a copy thereof to the commission.

(1) Each element of a comprehensive plan shall include the following components:

(a) An inventory of all existing lands, land uses, or facilities relating to that element;

(b) An analysis of existing needs;

(c) An analysis of future needs based upon the land uses shown on the future land use map as required by subsection (2)(b) of this section, and population, housing, and employment goals consistent with the goals developed pursuant to section 9 of this act;

(d) A statement of the goals and a list of objectives consistent with the land uses shown on the future land use map and consistent with the goals of section 9 of this act.

(2) Each comprehensive plan shall include a land use element which is based on the carrying capacity of the land and which includes:

(a) A map depicting the existing distribution of "important lands and land uses," defined in (c) of this subsection, and lands which because of existing sewer lines, water lines, and other urban services can be characterized as urban growth areas;

(b) A map depicting the proposed future distribution of "important lands and land uses," including an urban service area, consistent with the goals of section 9 of this act;

(c) For the purposes of this section, "important lands and land uses" means:

(i) Urban and suburban lands, which shall be further identified and classified by local regulation;

(ii) Mixed use rural lands;

(iii) Agricultural and range lands;

(iv) Forest lands;

(v) Mining and mineral production lands;

(vi) Environmentally sensitive lands, including wetlands, one hundred year floodplains, slopes in excess of forty percent and landslide and seismic hazard lands; wildlife habitat, fish habitat, and special plant community lands; public recreation lands; lands important for watersheds and ground water recharge; coasts, dunes, and shorelands; and lands of archaeological, historic, or religious value;

(vii) Lands used for local public facilities; and

(viii) Lands used for regional or state-wide public facilities.

(3) Each comprehensive plan shall also contain the following additional elements. Each additional element shall be consistent with the future land use map:

(a) An economic development element which:

(i) Is based on an analysis of the community's economic patterns and potential; and

(ii) Identifies an adequate supply of sites of suitable size, type, location, and service levels for industrial and commercial uses;

(b) A conservation element;

(c) A neighborhood preservation element which provides for the preservation of existing residential and business communities;

(d) A transportation element which:

(i) Establishes level of service standards at peak hours for all roads and mass transit systems;

(ii) Is based on an analysis of the age, condition, and maintenance of existing systems; and
 (iii) Identifies potential corridors for future transit or road development as called for in the plan;

(e) A housing element which takes into account regional housing needs; provides for additional housing at various price ranges and rent levels; and provides for distribution and acceptance of the jurisdiction's fair share of regional demand for multiple-unit housing, low-income housing, manufactured housing, and housing for those with special needs;

(f) A public services element which:

(i) Establishes level of service standards for all public services;

(ii) Assesses the need for and alternatives to regional facilities and determines whether appropriate sites exist; and

(iii) Makes provision for public service needs of the community by providing sites within its area or by entering into agreements with other communities or jurisdictions; and

(g) A recreation and open space element which:

(i) Includes specific open space definitions and standards and local land development regulation;

(ii) Establishes a plan and financial capability for the acquisition of open space and preservation of natural lands; and

(iii) Establishes the level of service standards for recreation.

(4) Each comprehensive plan shall be internally consistent so that all elements of the plan are consistent with the future land use map and with each other.

(5) Each comprehensive plan shall contain an element demonstrating that its employment and population goals and its elements are consistent with the goals and elements of plans of surrounding jurisdictions and regional wildlife corridor protection and/or restoration plans developed by the commission and the department of wildlife.

(6) A comprehensive plan may contain additional elements consistent with the elements required by this section, including an element addressing multijurisdictional issues.

NEW SECTION, Sec. 14. The commission shall review each county comprehensive plan and shall, subsequent to at least one hearing thereon, either reject the plan on the ground that it is not in compliance with sections 9, 10, 11, and 13 of this act or approve it. If the commission rejects the plan it shall specify its reasons therefor. Commission approval or rejection shall occur within six months of submission of the plan.

NEW SECTION, Sec. 15. COMPREHENSIVE PLANS—COMMISSION APPROVAL. (1) If the commission finds that a comprehensive land use plan, which is submitted for approval fails to comply with section 9, 10, 11, or 13 of this act as a result of inadequacies which can be easily corrected, the commission may grant a provisional approval of such plan. The terms of a provisional approval shall specify the plan's inadequacies and shall require the local government to correct them by a prescribed date, in no event more than three months from the date of provisional approval. The commission shall review the progress made by the local government in correcting such inadequacies and shall grant final certification of the plan whenever it finds that such inadequacies have been corrected. A provisional approval can be extended only one time and for no more than three additional months. If the commission finds that the inadequacies have not been corrected by the prescribed date, the plan shall be deemed "unapproved" as of the time of such finding. A plan having the status of provisional approval shall be deemed "approved" for the purposes of section 17 of this act.

(2) If the comprehensive plan of the adjacent district is not approved and its deadline has not passed, the adjacent community may advise the commission that it has reasonable belief that the submitted comprehensive plan may be in conflict with the comprehensive plan being developed by the adjacent community. In that event, the commission shall defer action on the comprehensive plan or the contested portion of the comprehensive plan until the adjacent local government submits its comprehensive plan, or the deadline for submittal passes.

NEW SECTION, Sec. 16. COMPREHENSIVE PLANS, FINAL APPROVAL DEADLINE. Within four years after the effective date of this act, each local government shall have obtained the commission's approval of its comprehensive plan. All unapproved comprehensive plans in existence on and after such period and all development regulations implementing such unapproved plans shall, except as provided in section 18 of this act, continue in effect until replaced by regulations pursuant to this chapter or revised pursuant to this chapter.

NEW SECTION, Sec. 17. COMPREHENSIVE PLANS—PRESUMED CONFORMANCE. Any comprehensive plan approved by the commission shall be conclusively presumed to be in conformity with sections 9, 10, 11, and 13 of this act. This section shall not apply to any approval which the commission finds resulted from the furnishing to it of inaccurate or incomplete information or to any approval which has been appealed and on which a judicial decision is pending or to any decision made or proceeding conducted pursuant to section 29 of this act.

NEW SECTION, Sec. 18. COMPREHENSIVE PLANS' AMENDMENTS AND REVISIONS. (1) Any amendment to or revision of an approved comprehensive plan shall be of no force or effect until the commission certifies that the amended or revised plan complies with sections 9, 10, 11,

and 13 of this act. Any amended or revised plan approved by the commission shall be construed to be and shall have the same status under this chapter as an approved comprehensive plan.

(2) Each local government and special district shall establish procedures whereby proposed amendments or revisions of comprehensive plans are considered by the local government's legislative body no more often than once a year. All such proposals shall be considered by the legislative body concurrently so that the cumulative effect of the various proposals can be ascertained.

(3) Emergency amendments may be adopted outside the annual amendment cycle only if a showing is made by clear, cogent, and convincing evidence that (a) new environmental conditions exist which could not have been foreseen at the time of the last plan adoption or amendment and (b) serious and irreparable harm inconsistent with the land use goals of this chapter will occur if the emergency amendment is not adopted. Emergency amendments must be adopted seventy-five percent by the local government and approved seventy-five percent by the commission. Emergency amendments shall be subject to the referendum procedures of chapter 29.79 RCW.

NEW SECTION. Sec. 19. COMPREHENSIVE PLANS—REMAND FOR MODIFICATION. (1) If a local government's comprehensive plan is not approved by the commission and the deadline for approval has not passed, the plan shall be remanded to the local government for corrections.

(2) If a local government's comprehensive plan is not approved by the commission and the plan is less than one year overdue, the commission may take one or more of the following actions:

(a) If the local government is a city or town, prohibit the local government from proceeding with annexation proposals;

(b) Certify to the state treasurer, the lack of compliance with this chapter. Upon receipt of such certification, the state treasurer shall withhold any distribution of:

(i) Local sales and use tax revenues to be made to that jurisdiction pursuant to RCW 82.14-.060; and

(ii) Motor vehicle tax revenues to be made to that jurisdiction pursuant to RCW 46.68.110(3), 46.68.115, 46.68.120(4), 46.68.122, and 46.68.124.

All payments withheld shall be retained by the state treasurer until such time as the commission certifies that the jurisdiction has complied with this chapter by obtaining commission approval of its comprehensive plan.

(3) If a local government's comprehensive plan is more than one year overdue, the commission shall take both of the actions listed in subsection (2) of this section.

(4) If a local government's comprehensive plan is more than two years overdue, the commission may impose a moratorium on some or all development within part or all of the jurisdiction.

(5) If a local government's comprehensive plan is more than four years overdue, the commission shall impose a moratorium on some or all development activity within all of the jurisdiction.

(6) If a local government's comprehensive plan is more than five years overdue, the commission shall impose a moratorium on all development activity in that jurisdiction not vital to the maintenance of public health and safety.

NEW SECTION. Sec. 20. APPROVED COMPREHENSIVE PLANS—ALLOWANCE FOR LOCAL OPTION TAXES. Upon approval of a comprehensive plan by the commission, the local government shall immediately be authorized to fix and impose an excise tax on the sale or distribution of motor vehicle fuel and special fuel. The rate of such tax shall be in increments of one-tenth of one cent per gallon and shall not exceed two cents per gallon. Any jurisdiction imposing such tax shall contract with the department of revenue for the administration and collection of the tax. All appropriate administrative provisions in chapters 82.36 and 82.38 RCW shall be applicable to the tax authorized by this section.

NEW SECTION. Sec. 21. COMPREHENSIVE PLANS—FORCE AND EFFECT OVER CONFLICTING DEVELOPMENT REGULATIONS. Within one year of approval of the jurisdiction's comprehensive plan each local government shall enact development regulations which implement and do not conflict with its approved comprehensive land use plan and shall file a copy of such regulations with the commission for its review and comments. Ordinances utilizing transferable development rights shall be considered. Any development regulation shall be of no force or effect which conflicts with or fails to implement the jurisdiction's approved comprehensive plan. With or without properly adopted development regulations, the approved comprehensive plan shall have the force and effect of law and shall regulate the use of land.

NEW SECTION. Sec. 22. STATE COMPLIANCE WITH COMPREHENSIVE PLANS. The activities of all state agencies, including development of capital budgets and proposals for use of public lands, shall comply with the goals of section 9 of this act and the comprehensive plans and development regulations of cities and counties approved or adopted by the commission pursuant to this chapter. All state agencies shall analyze their existing practices and activities to determine and demonstrate compliance with such goals. If at any time, the comprehensive

plan or development regulation does not allow for a land use proposed by a state agency, the state agency may only receive approval by first applying for amendment to the comprehensive plan or development regulation at issue, as such amendments are regularly processed by the local jurisdiction and the commission. If the amendment process does not resolve the conflict, the agency may petition the commission to resolve the conflict. The commission's rules for resolving such disputes shall assure that all participants, including the public, have full opportunity to affect the decision.

NEW SECTION. Sec. 23. JUDICIAL REVIEW. (1) Any final action taken by any local government or any special district in exercise of its responsibilities under section 10 of this act, including any action taken under rules adopted pursuant to this chapter and under the state environmental policy act may be appealed to superior court by any person or entity, or association of persons or entities, having an interest affected by such action. This section creates a new cause of action in addition to existing causes of action under statute and constitutional and common law.

(2) An appeal under this chapter shall be commenced within thirty days of the date of publication of the final order appealed from. For purposes of this limitation period, publication shall consist of (a) publishing notice of such final action within a legal newspaper of general circulation in the area of the property subject to the action for two consecutive weeks and (b) mailing notice of such final action to each party of record, each property owner, and each owner of property within three hundred feet of the property subject to the action. The notice shall identify: The property subject to the action; the nature of the action taken; the final date of publication; the final date of any appeal; and availability of appeal to superior court.

(3) Venue of any action brought under this chapter shall reside in the county of the local government or special district whose action is subject to the appeal, or in the adjoining county, or in Thurston county.

(4) The local government or special district rendering the decision appealed from shall be joined in any appeal brought under this chapter, but only in the name of its corporate entity, and not in the name of its representative boards, councils, bodies, examiners, executives, commissions, or other bodies. Service of such appeal is lawfully provided if personally delivered to the principal office or place of business for such local government or special district or the office of the prosecuting, city, or district attorney.

(5) If a final action appealed under this chapter involves an application for action on a specific parcel of property, the persons or entities making such application shall be joined as parties to such an appeal, and shall be named as set forth in such application. No other persons or entities must be named and/or served as necessary parties.

(6) Within sixty days of receipt of service of an appeal of a final action, the local government or special district shall prepare and file with the superior court the record of the decision appealed from. The record of the decision shall include all authorities, evidence, testimony, and other documentation relied upon by the local government or special district in making the decision. By stipulation or upon motion, the record may be shortened. Any party unreasonably refusing to stipulate to limit the record may be assessed additional costs by the court. The costs of preparing the record of decision, including the transcription of proceedings, shall be borne by the local government or special district whose decision is under appeal.

(7) Review of the local government or special district decision appealed from shall be limited to the record except for issues concerning procedural irregularity, constitutional violations, and issues for which appellant was deprived the opportunity to prepare an adequate record before the local government or special district.

(8) The court may affirm, reverse, or remand a decision appealed under this chapter. A decision shall be reversed or remanded if the court finds:

(a) The decision to be unlawful in substance or procedure, including being contrary to the provisions and protections of this chapter and plans and regulations adopted thereunder;

(b) The decision to be unconstitutional; or

(c) The decision to be unsupported by substantial evidence in the record as to facts found by the local government or special district.

(9) In revising or remanding a decision of a local government or special district the court shall award reasonable costs and attorneys' fees to a qualified appellant against the local government or special district, if it finds that the decision appealed from was not substantially justified and the appeal was brought in the public interest. For purposes of this section, a decision is not substantially justified if it is found to be contrary to law in either substance or procedure, is declared unconstitutional, or devoid of such support in the evidence as to be arbitrary and capricious. An appeal shall be deemed to be brought in the public interest if it promotes the interest of the community at large and beyond the interests at stake in an individual parcel of property. A qualified appellant is a person or entity or association of persons or entities with less than one hundred thousand dollars in net assets.

NEW SECTION. Sec. 24. CONFORMANCE WITH OTHER PLANNING STATUTES. All planning which this chapter requires a local government to perform shall be performed in conformity with chapter 36.70 or 35.63 RCW, whichever is appropriate: PROVIDED, That a charter county or charter city may perform its planning activities pursuant to charter provisions as an incident

of its inherent home rule authority. Any county which adopts a comprehensive land use plan conforming to the definition of "comprehensive land use plan" contained in this chapter shall be deemed to have complied with the requirements of RCW 36.70.020(6) and 36.70.330. Any city which adopts a comprehensive land use plan conforming to the definition of "comprehensive land use plan" contained in this chapter shall be deemed to have complied with chapter 35.63 or 35A.63 RCW, whichever is appropriate. Should there exist a conflict between the provision of this chapter, and the provision of chapter 36.70, 35.63, or 35A.63 RCW, the provision of this chapter shall prevail.

NEW SECTION, Sec. 25. CONFORMANCE WITH SHORELINE MANAGEMENT ACT AND STATE ENVIRONMENTAL POLICY ACT. All land subject to the provisions of chapter 90.58 RCW, the shoreline management act, and chapter 43.21C RCW, the state environmental policy act, as now or hereafter amended, shall continue to be managed pursuant thereto. This chapter in no way amends, limits, or repeals the effect of these laws upon land and actions subject to those laws.

NEW SECTION, Sec. 26. VESTING DOCTRINE REVISED. The majority rule for vesting of rights is adopted for the state of Washington under which a right vests only:

(1) Upon the issuance of a valid permit; and

(2) Upon both a change of position and substantial reliance being made upon the permit. Prior Washington case law to the contrary shall have no further effect.

Sec. 27. Section 82.02.020, chapter 15, Laws of 1961 as last amended by section 6, chapter 179, Laws of 1988 and RCW 82.02.020 are each amended to read as follows:

IMPACT FEES. (1) Except only as expressly provided in RCW 67.28.180 and 67.28.190 and the provisions of chapter 82.14 RCW, the state preempts the field of imposing taxes upon retail sales of tangible personal property, the use of tangible personal property, parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature.

~~((No))~~ (2) Any county, city, town, or other municipal corporation shall have the authority to impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land~~((However, this section does not preclude))~~, and to require dedications of land or easements pursuant to RCW 58.17.110 within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a~~((direct))~~ result of the proposed development or plat to which the fees, charges, or dedications of land or easements ~~((ts))~~ are to apply.

(3) This section does not prohibit voluntary agreements with counties, cities, towns, or other municipal corporations that allow a payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision, or plat. The refusal to enter into such voluntary agreements shall not limit a local government's authority under subsection (2) of this section. A local government shall not use such voluntary agreements for local off-site transportation improvements within the geographic boundaries of the area or areas covered by an adopted transportation program authorized by chapter 39.92 RCW. Any such voluntary agreement is subject to the following provisions:

~~((+))~~ (a) The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact;

~~((2))~~ (b) The payment shall be expended in all cases within five years of collection; and

~~((3))~~ (c) Any payment not so expended shall be refunded with interest at the rate applied to judgments to the property owners of record at the time of the refund; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

~~((No county, city, town, or other municipal corporation shall require any payment as part of such a voluntary agreement which the county, city, town, or other municipal corporation cannot establish is reasonably necessary as a direct result of the proposed development or plat.))~~

Nothing in this section ~~((prohibits))~~ limits cities, towns, counties, or other municipal corporations from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW.

This section ~~((does not))~~ in no way limits the existing authority of any county, city, town, or other municipal corporation to impose special assessments on property specifically benefitted thereby in the manner prescribed by law.

Nothing in this section prohibits or limits counties, cities, or towns from imposing or permits counties, cities, or towns to impose water, sewer, natural gas, drainage utility, and drainage system charges~~((PROVIDED, That no such charge shall exceed the proportionate share of such utility or system's capital costs which the county, city, or town can demonstrate are attributable~~

~~to the property being charged. PROVIDED FURTHER, That these provisions shall not be interpreted to expand or contract any existing authority of counties, cities, or towns to impose such charges).~~

Nothing in this section prohibits a transportation benefit district from imposing fees or charges authorized in RCW 36.73.120 nor prohibits the legislative authority of a county, city, or town from approving the imposition of such fees within a transportation benefit district.

Nothing in this section prohibits counties, cities, or towns from imposing transportation impact fees authorized pursuant to chapter 39.92 RCW.

This section does not apply to special purpose districts formed and acting pursuant to Titles 54, 56, 57, or 87 RCW, nor is the authority conferred by these titles affected.

Sec. 28. Section 35.43.110, chapter 7, Laws of 1965 as amended by section 10, chapter 313, Laws of 1981 and RCW 35.43.110 are each amended to read as follows:

Proceedings to establish local improvement districts must be initiated by petition in the following cases:

(1) Any local improvement payable in whole or in part by special assessments which includes a charge for the cost and expense of operation and maintenance of escalators or moving sidewalks shall be initiated only upon a petition signed by the owners of two-thirds of the lineal frontage upon the improvement to be made and two-thirds of the area within the limits of the proposed improvement district;

(2) If the management of park drives, parkways, and boulevards of a city has been vested in a board of park commissioners or similar authority: PROVIDED, That the proceedings may be initiated by a resolution, if the ordinance is passed at the request of the park board or similar authority therefor specifying the particular drives, parkways, or boulevards, or portions thereof to be improved and the nature of the improvement.

(3) Any local improvement district for sewers or a system of sewerage, as defined in RCW 35.67.010, shall be initiated only upon a petition signed by the owners of at least seventy percent of the lineal frontage upon the improvement to be made. These property owners shall pay at least seventy percent of the total cost of the sewer local improvement district, or for the entire cost of the local improvement district, whichever is greater, if they are the ones who solely benefit from the local improvement district, as defined and explained in this subsection.

In order for the other thirty percent or smaller percentage of property owners to be assessed for the sewer local improvement district, the proponents must prove by clear and convincing evidence that the sewer local improvement district will not work an economic and financial hardship on those property owners resulting in the possible loss of their land, homes, and/or businesses. If the proponents of the sewer local improvement district cannot meet this burden of proof for each and every property owner, they shall pay for the total cost of the sewer local improvement district.

Sec. 29. Section 35.91.020, chapter 7, Laws of 1965 as last amended by section 11, chapter 313, Laws of 1981 and RCW 35.91.020 are each amended to read as follows:

The governing body of any city, town, county, sewer district, water district, or drainage district, hereinafter referred to as a "municipality" may contract with owners of real estate for the construction of storm, sanitary, or combination sewers, pumping stations, and disposal plants, water mains, hydrants, reservoirs, or appurtenances, hereinafter called "water or sewer facilities," within their boundaries or (except for counties) within ten miles from their corporate limits connecting with the public water or sewerage system to serve the area in which the real estate of such owners is located, and to provide for a period of not to exceed (fifteen) twenty-five years for the reimbursement of such owners and their assigns by any owner of real estate who did not contribute to the original cost of such water or sewer facilities and who subsequently tap onto or use the same of a fair pro rata share of the cost of the construction of said water or sewer facilities, including not only those directly connected thereto, but also users connected to laterals or branches connecting thereto, subject to such reasonable rules and regulations as the governing body of such municipality may provide or contract, and notwithstanding the provisions of any other law. To the extent it may require in the performance of such contract, such municipality may install said water or sewer facilities in and along the county streets in the area to be served as hereinabove provided, subject to such reasonable requirements as to the manner of occupancy of such streets as the county may by resolution provide. The provisions of such contract shall not be effective as to any owner of real estate not a party thereto unless such contract has been recorded in the office of the county auditor of the county in which the real estate of such owner is located prior to the time such owner taps into or connects to said water or sewer facilities. The power of the governing body of such municipality to so contract also applies to water or sewer facilities in process of construction on June 10, 1959, or which have not been finally approved or accepted for full maintenance and operation by such municipality upon June 10, 1959.

The duration of latecomer fee agreements for sewers in this section is extended to twenty-five years from the current fifteen years.

The amount of latecomer's fees for sewer hookup must be fair and reasonable, based upon reasonable, prevailing market rates for construction at the time the sewer project is completed.

These latecomer's fees must not exceed the original construction costs, as determined by an audit conducted by a private, impartial party. The costs of this audit shall be included within the original costs of the project. Latecomer's fees are not intended to be a money-making proposition for developers, they can only recoup their original costs, exclusive of inflation.

Sec. 30. Section 15, chapter 189, Laws of 1967 as last amended by section 7, chapter 477, Laws of 1987 and RCW 36.93.150 are each amended to read as follows:

The board, upon review of any proposed action, shall take such of the following actions as it deems necessary to best carry out the intent of this chapter:

- (1) Approval of the proposal as submitted;
- (2) Subject to RCW 35.02.170, modification of the proposal by adjusting boundaries to add or delete territory: PROVIDED, That any proposal for annexation by the board shall be subject to RCW 35.21.010 and shall not add additional territory, the amount of which is greater than that included in the original proposal: PROVIDED FURTHER, That such modifications shall not interfere with the authority of a city, town, or special purpose district to require or not require preannexation agreements, covenants, or petitions;
- (3) Determination of a division of assets and liabilities between two or more governmental units where relevant;
- (4) Determination whether, or the extent to which, functions of a special purpose district are to be assumed by an incorporated city or town, metropolitan municipal corporation, or another existing special purpose district; or
- (5) Disapproval of the proposal except that the board shall not have jurisdiction to disapprove the dissolution or disincorporation of a special purpose district which is not providing services but shall have jurisdiction over the determination of a division of the assets and liabilities of a dissolved or disincorporated special purpose district: PROVIDED, That a board shall not have jurisdiction over the division of assets and liabilities of a special purpose district that is dissolved or disincorporated pursuant to chapter 36.96 RCW.

Unless the board shall disapprove a proposal, it shall be presented under the appropriate statute for approval of a public body and, if required, a vote of the people. A proposal that has been modified shall be presented under the appropriate statute for approval of a public body and if required, a vote of the people. If a proposal, other than that for a city, town, or special purpose district annexation, after modification does not contain enough signatures of persons within the modified area, as are required by law, then the initiating party, parties or governmental unit has thirty days after the modification decision to secure enough signatures to satisfy the legal requirement. If the signatures cannot be secured then the proposal may be submitted to a vote of the people, as required by law.

The addition or deletion of property by the board shall not invalidate a petition which had previously satisfied the sufficiency of signature provisions of RCW 35.13.130 or 35A.14.120. When the board, after due proceedings held, disapproves a proposed action, such proposed action shall be unavailable, the proposing agency shall be without power to initiate the same or substantially the same as determined by the board, and any succeeding acts intended to or tending to effectuate that action shall be void, but such action may be reinitiated after a period of twelve months from date of disapproval and shall again be subject to the same consideration.

The board shall (not) modify or deny a proposed action (unless there is evidence on the record to support a conclusion) if it finds that the action is inconsistent with one or more of the objectives under RCW 36.93.180 and that such inconsistency is not outweighed by the actions taken in fulfillment of other objectives under RCW 36.93.180. The board shall deny any annexation of a city or town beyond the urban service area established by section 9(2)(a)(i) of this act. Every such determination to modify or deny a proposed action shall be made in writing pursuant to a motion, and shall be supported by appropriate written findings and conclusions, based on the record.

Sec. 31. Section 18, chapter 189, Laws of 1967 as last amended by section 6, chapter 84, Laws of 1989 and RCW 36.93.180 are each amended to read as follows:

The decisions of the boundary review board shall attempt to achieve the following objectives:

- (1) Preservation of natural neighborhoods and communities;
- (2) Use of physical boundaries, including but not limited to bodies of water, highways, and land contours;
- (3) Creation and preservation of logical service areas;
- (4) Prevention of abnormally irregular boundaries;
- (5) Discouragement of multiple incorporations of small cities and encouragement of incorporation of cities in excess of ten thousand population in heavily populated urban areas;
- (6) Dissolution of inactive special purpose districts;
- (7) Adjustment of impractical boundaries;
- (8) Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character: ((and))
- (9) Protection of agricultural and rural lands which are designated for long term productive agricultural and resource use by a comprehensive plan adopted by the county legislative authority; and

(10) Prevention of sprawl, including, but not limited to, denying any annexation of a city or town beyond an urban service area established pursuant to sections 9(2)(a)(i) and 13(2)(b) of this act.

NEW SECTION. Sec. 32. Local governments, state agencies, and the courts shall construe the provisions of this chapter liberally to achieve its legislative intent and state land use planning goals.

NEW SECTION. Sec. 33. All decisions affecting the use, development, and conservation of land made by all levels of government must comply with the state-wide planning goals of this chapter on the effective date of this act. Development rights under previous laws and regulations in existence at the time of a development application shall not vest unless unreasonable prejudice would result by application of the goals of this chapter or of the plans and regulations adopted pursuant to this chapter, or amendments and revisions thereto. Findings of unreasonable prejudice or a lack thereof are reviewable by the land use board of appeals.

NEW SECTION. Sec. 34. **INTENT--RURAL ECONOMIC DEVELOPMENT.** The legislature finds that the Puget Sound region is experiencing economic prosperity and the challenges associated with rapid growth. Much of the rest of the state is not experiencing economic prosperity, and faces challenges associated with slow economic growth. It is the intent of the legislature to encourage economic prosperity and balanced economic growth throughout the state.

In order to accomplish this goal, growth must be managed more effectively in the Puget Sound region, and rural areas must build local capacity to accommodate additional economic activity in their communities. Where possible, rural economies should be linked with prosperous urban economies to share economic growth for the benefit of both these areas and the state.

NEW SECTION. Sec. 35. Sections 1 through 26 and 32 through 34 of this act shall constitute a new chapter in Title 43 RCW."

Debate ensued.

The President (Senator Nelson presiding) declared the question before the Senate to be the adoption of the striking amendment by Senator Lee to the Committee on Governmental Operations striking amendment to Engrossed Substitute House Bill No. 2929.

The motion by Senator Lee failed and the amendment to the striking committee amendment was not adopted.

The President (Senator Nelson presiding) declared the question before the Senate to be the adoption of the Committee on Governmental Operations striking amendment, as amended, to Engrossed Substitute House Bill No. 2929.

The Committee on Governmental Operations striking amendment, as amended, to Engrossed Substitute House Bill No. 2929 was adopted.

MOTIONS

On motion of Senator McCaslin, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "growth," strike the remainder of the title and insert "amending RCW 36.81.121, 35.77.010, and 35.58.2795; adding new sections to chapter 36.70 RCW; adding new sections to chapter 35.63 RCW; adding new sections to chapter 35A.63 RCW; adding a new chapter to Title 36 RCW; adding a new chapter to Title 47 RCW; creating a new section; and making an appropriation."

On page 18, line 22 of the title amendment, strike "and 35.58.2795" and insert "35.58.2795, 43.210.010, 43.210.020, 43.31.005, 43.31.035, 43.63A.065, 43.155.070, 43.160.060, 43.160.020, 43.168.050, and 43.63A.078;"

On page 18, line 25 of the title amendment, after "RCW;" strike "creating a new section;" and insert "adding new sections to chapter 43.31 RCW; adding a new section to chapter 43.17 RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 43.63A RCW; creating new sections;"

On page 18, line 22 of the title amendment, strike "and" and after "35.58.2795" insert ", 76.09.050, and 76.09.060"

On motion of Senator McCaslin, Engrossed Substitute House Bill No. 2929, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President (Senator Nelson presiding) declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2929.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2929, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 12; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Cantu, Conner, Fleming, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Patrick, Rinehart, Saling, Sellar, Smith, Smitherman, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 35.

Voting nay: Senators Amondson, Barr, Benitz, Craswell, DeJarnatt, Hansen, Newhouse, Owen, Patterson, Rasmussen, Stratton, West - 12.

Absent: Senator Niemi - 1.

Excused: Senator Matson - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2929, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:16 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:30 a.m., Saturday, March 3, 1990.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

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